USE ONLY

THE LIBRARY OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

Digitized by the Internet Archive in 2007 with funding from Microsoft Corporation

$$
\begin{aligned}
& \text { A } \\
& \text { COLLECTION } \\
& \text { Of Curious } \\
& \text { DISCOURSES, } \\
& \text { Written by Eminent } \\
& \text { ANTIQUARIES } \\
& \text { Upon feveral Heads in our } \\
& \text { Engli/h Antiquities, } \\
& \text { And } \\
& \text { Now firft publifhed by } \\
& \text { THOMAS HEARNE, M.A. } \\
& \text { OXFOR } \mathcal{D} \text {, } \\
& \text { Printed at the Theater, } \\
& \text { M. DCC. XX. }
\end{aligned}
$$

## [ III ]



## The CONTENTS.

I.
II.


Pag. xim,
HE Publifhers Preface. The Antiquity of the Lawes of this Ifland, by W.Hakewill,[of Lincoln's Inn, Efq. nearly ${ }^{\text {r }}$ related to Sir Thomas Bodley, and Brother ${ }^{2}$ of $\mathrm{D}^{\mathrm{r}}$. George Hakewill who writ the Apology.] I. III. Of the Antiquity of the laws of England, [by Anonymous.] I2.
IV. Of Sterling money, by Sir Thomas Lake, [one of the principal Secretaries ${ }^{3}$ of State in the time of K. James I.written an.] 1590. 15. V. Of Sterling money, [by Anonymous.] 18. VI. Of Sterling money, by Francis [Botevile, commonly called] Thynn, [the fame who was Lancafter Herald of Arms, and died $+a n$.

[^0]$\mathbf{1 6 1 1 .}$ He is famous for being one of thofe that continued Raphael Hollynfhed's Chronicle, tho all the Things that he was Author of in that Continuation are not commonly known, and for that reafon not noted in Athence Oxon. the Compiler whereof was ignorant, that a great many of the fheets (beginning in p . 1419 . and ending in p . 1575. ) were caftrated or fuppreffed, becaufe feveral Things in them gave Offence. Thefe caftrated fheets are now fo very fcarce, that I could never yet meet. with but two Copies of Hollynnhed with them, tho' I hear of feveral others. Thofe two Copies that I have feen were lent me by two learned Friends, to whom I am allo obliged upon many other Accounts. I find by thẹm that four Difcourfes of our Author Thynn were fupprefs'd, viz. (土.) A Dicourfe of the earles of Leicefter by fucceffion; which Difcourfe is thus intit. in the Margin, The collcetion of the earles of Leicefter, by Fr. Thin 1585 . (2.) The lives of the Archbißhops of Canturburie, mritten by Francis Thin, in the yere of our redemption 1586. which is the year in which this Chronicle came out, and in which Robert Sutton alias Dudley Earl of Leicefter (of whofe Entertainment in the Lowe Countries there is a large and invidious Account, faid to be written by John Stow,) fell into Difgrace. (3.) A treatije of the

## The Contents.

the Lord Cobhams. (4.) The Catalog of the lord wardens of the cinque ports, and conftables of Dover caftle, afwell in the time of king Edraard furnamed the Confeffor, as fince the reigne of the Conqueror. Both thefe were gathered, as well out of ancient records and monuments, as out of our hiftories of England, in the year 1586. But whereas it is infinuated in The Englifb Hifforical Library ', that there are no more fheets fupprefs'd than what relate to the $L^{d}$. Cobhams, and that this was occafion'd becaufe of the then $L^{d}$. Cobham's being in difgrace, I mult beg leave to affert, that this is one of the great number of Miftakes in that Work, it being plain from what hath been already faid, that there were many fheets befides fupprefs'd, and it being withall as plain from our Englifh Hiftory that the $\mathbf{L}^{\text {d }}$. Cobham was at that time in favour and not in difgrace with Q. Eliz.] 20. VII. Of Sterling moncy, by Mr. James Ley, [who was afterwards Earl of Marlborough, and died ${ }^{2}$ March 14. 16.28. being about feventy fix years of Age. He was famous not only for his excellent Learning, but for his great Integrity.] . 24. VIII. Of what Antiquity Shires were in England. By Mr. [Arthur] Agard, [Deputy

[^1]Chamberlain of the Exchequer, who died 22. Aug. $1615^{\circ}$. Writtenan.] 1591. IX. Of what Antiquity Shires were in England. By Mr. Thynn.
33.
X. Of the time, when England was firt divided into Shires, and the reafon of fuch divifion, by Mr. [Thomas] Talbot, [Clerk of the Records ${ }^{\text {a }}$ in the Tower of London, and commonly called Limping Talbot,from a lamenefs in one of his Legs.] 43.
XI. Of the fame, by Mr. [Richard] Brawghton, [alias Broughton, the fame who writ The Ecclefiaftical Hiftory of Gr. Britain, fol. the Monafficon Britannicum, $8^{\text {ro }}$. and other Things. He died is. Kal. Febr. $1634^{3}$.]
XII. Of the time when England was firt divided into Shires. By Mr. James Ley.
46.
XIII. Of the Antiquity of Terms for the adminiftration of jultice in England, by Jofeph Holland, [the famous Devonihire Antiquary 4.] $2^{\circ}$. Norr. 160 I . 52.
XIV. Of the Antiquity and Etymologic of Termes and Times for adminiftration of Juftice in England, by Fr. Thynne.
54.
XV. For the Antiquity of Cities in England, by Jofeph Holland. 3. Jun. 1598 . 62.
XVII) imenfions of the land of England, by Jofeph Holland. 20. Novr. An. Dom. 1599. 64.

[^2]
## The Contents.

XVII.Of the dimenfions of the land of England, by Sir John Dodderidge, [who ' died Sept. 13. 1628 .]
66.
XVIII. Dimenfions of the land of England, by Mr. Agard. 24. Novr. 1599. 70. XIX. Of the Antiquity, Office and Privilege of Heralds in England, by Mr. Leigh. 81. XX. Of the Antiquity, Office and Privilege of Heralds in England, by Mr. Camden, [who died Nov. $9^{\text {th }} .1623 .^{2}$ in the 73. and not 3 , as in his Epitaph, in the $74^{\text {th. }}$. year of his Age.] 85.
XXI. Of the Antiquity and office of Heralds in England, by Mr. [James] Whitlock, [afterwards one of the Juftices of the Common Pleas, who died June 2 r . as in his Epitaph ${ }^{4}$, tho' Mr. Wood fays ${ }^{5}$ June 22. 1632. in the 62. year of his Age, and was buried in the South Ifle of the Church of Fawley, near great Marlow in Bucks.] 28. Nov. 1601. 90. XXII. Of the Antiquity and Office of Herald[s] in England, [by Anonymous.]
93. XXIII. Of the Antiquity, and ufe of Heralds in England, by Jofeph Holland.2 8.Nov.1601.97. XXIV. Of the Authority, Office and Privilege of Heraults in England, by Mr. Agard. 100. XXV. Of the Antiquity and Privileges of the

[^3]Houfes or Inns of Court, and of Chancery, by Mr. Agard. IOS.
XXVI. Of the Antiquity of the Houfes of Law, by Mr. Thynne. 108.
XXVII. Of the Antiquity, ufe and privilege of places for Students and Profeffors of the common Law, by Jofeph Holland. 127.
XXVIII. Of the Antiquity, ufe and privilege of places for Students and Profeffors of the common Laws of England, by Mr. Whitlock. 129. XXIX. Of the Knights made by the Abbots, by Sir Francis Leigh, [Knight of the Bath, who is named for a Legacy in Mr. Camden's Will ', and affifted ${ }^{2}$ as a Mourner at his Funeral.]

$$
135 .
$$

XXX. Of Knights made by Abbots, by Mr. [Francis] Tate, [fecond ; Son of Barth.Tate de Delapre in Northampton Efq. In the latter end of $Q$. Eliz. he was a Parliament 4 man, and in the fifth of fac. I. he was Lent-reader of the Middle Temple, and about that time one of the Juftices Itinerant for S. Wales. He died Nov. 5 15. (not the 16th. as Athene Oxon ${ }^{5}$.) an. 1616. being about 56 . years of Age.]
138.
XXXI. Of the diverfity of names of this Ifland, by Mr. Camden. [Written in] $1604 . \quad 149$.

1. See the Appendix to this Work, Num.II. 2. Vita Cámdeni per Smithum, P. 65, 67. 3. So in a Letter from Mr. Anftis to me. 4. Athen. Oxon. Vol. I. col. 348. 5. Camdeni Annal. R. Jacobi, fub an. 1616. 6. Vol. I. col. 349.
XXXII. Of the diverfity of the names of this Ifland, by Jofeph Holland.
2. 

XXXIII. Of the diverfity of names of this Ifland, by Mr. Agard. [Written in] 1604. 157. XXXIV. Of the diverfity of the names of this Iffand, by Mr. Oldworth, [whom I take to be the fame with Michaël Oldfworth, to whom we have a printed Letter written by Degory Whear, which I have reprinted in the Appendix ' to this Work, as it was tranfcrib'd for my ufe by my learned Friend, the Reverend Mr. Thomas Baker, Bach. of Div. of $\mathrm{S}^{\mathrm{E}}$. John's-Coll. Cambr. Written in] 1604. 162. XXXV. The Etymologie, Antiquity and Privilege of Caftles, by Sir Robert Cotton, [who died ${ }^{2}$ May 6.1631 . in the fixty firlt year of his Age.]
166.
XXXVI. Of the Antiquity, Etymology, and Privilege of Towns, by Sir Robert Cotton. 23 . Junii ${ }^{3} 42$. 167.
XXXVII. Of dimenfion of land, by Sir Robert Cotton. 178.
XXXVIII. Of the Antiquity of motts and words, with Arms of Noblemen and Gentlemen of England, by Sir Robert Cotton. 182. XXXIX. Of the Antiquity of Arms inEngland, by Mr. James Ley. 186.

[^4]
## The Contents.

XL. Forefta, by James Lee.
193.
XLI. Of the Antiquity of the office of the Chancelor of England, by Mr. Ley. 198.
XLII. Of Epitaphs, by Mr. James Ley. 20 r.
XLIII. Of Motts, by Mr. Ley. 204.
XLIV. The Etymologie and Original of Barons, by Mr. Camden.
205.
XLV. Mr. Tate's Queftions about the ancient Britons.
209.
XLVI. Mr. Jones his Anfweares to Mr. Tate's Queftions. [Perhaps he was the fame with Sir William Jones, a Man of Britifh Race both by Father and Mother (for his Mother ' was Margaret Daughter of Humph. Wynn ap Meredyth छic. Efq.) who after he had fpent five Years in Edmund-Hall in this Univerfity, went to the Inns of Court, and became at length a Judge, and was a perfon of admirable Learning, particularly in the Municipal Laws and in the Britifh Antiquities, and died in the latter end of the Year 1640, being. at leaft 84. Years of Age. You may fee more of him in Athenc Oxon. ${ }^{2}$ But the Compiler of that work is miftaken in faying that he was educated in the Free-School at Beaumaris in Anglefey. That School s was not founded 'till the Year 1603 . It was by his

[^5]
## The Contents.

advice the Founder proceeded, and he was one of the firt Feoffees. The Author of thefe Anfwers to Mr. Tate's Queftions feveral times mentions ' a Book of Laws, which himfelf had written, and in which many Things were inferted about the Britifh Antiquities. But this Work, to which an accurate Table was added for the more ready finding of any Particular, was never yet printed, as I think, and therefore 'tis no wonder that 'tis not mentioned by the Compiler of Athence Oxon. who had not met with a Copy either of thefe Anfwers or of the Book of Laws. If the Author was not the faid Sir William Jones, 'tis probable he was not different from John Jones, of Gelhy Lẏvdy in Flinthire, Efq. a great ${ }^{2}$ Antiquary and a curious Collector of Britifh MSS. and a conftant correfpondent with that candid and learned Antiquary, Robert Vaughan, of Hengurt, Efq. But, at prefent, I incline rather to the firtt opinion.]

2 I2.
XLVII. A Difcourfe of the Dutye and Office of an Heraulde of Armes, written by Frauncis Thynne Lancafter Heraulde the third daye of Marche anno 1605 . 230. XLVIII. A Confideration of the office and dutye of the Herauldes in Englande, drawne

1. P. 219, 221,228. 2. Mr. Edward Lhuyd's Arch,oologia Brit. pag. 225.
out of fundrye obfervations. By Sir John Dodridge, written in Aug. 1600.269.
XLIX. Sir James Whitlock's Epitaph. 276.
L. Mr. Camden's Will.
2. 

LI. Degorei Wheari Epiftola ad Michaëlem Oldfworthum. 280.
LII. Fragmentum Jofephi, five Caii, vel potius Hippolyti meei $\uparrow$ § de Hade agitur. 28 r .
LIII. Dr. Thomas Smith's laft Letter to the Publifher.
296.
LIV. A Letter of Archbifhop Laud's to $\mathrm{M}^{\mathrm{r}}$. John Greaves of Merton College, relating to the Coyns that the Archbifhop gave to the Univ. of Oxon. 298.
LV. Mr. Timothy Nourfe's Donation to the Univerfity of Oxford.
299.
LVI. A Note of the Divinitie Schoole and Library in Oxford.
300.
LVII. Collections relating to the Div. Schoole and Library of the Univ. of Oxon. written by $\mathrm{D}^{r}$. Langbaine.
302.
LVIII. A Letter relating to the Bells of Briftoll, anno 1643.
LIX. Paucula ad Campanas de Ofney fpectantia, è MS. vet. de Officies Ofiney. 305.
LX. Index. 306.
LXI. Operum noftrorum hactenus imprefforum Catalogus; cui Stcph. Gardineri cpitaphium, auctore J.Morrenno, inferuimus. 316.


THE PUBLISHERS
PREFACE.
S. I. (con vo r $S$ I was lately diff expericoursing with Some $\begin{gathered}\text { Practice } \\ \text { hic bet } \\ \text { Held in }\end{gathered}$ learned Friends $a-\begin{gathered}\text { Helps in } \\ \text { einginin } \\ \text { ing anti- }\end{gathered}$ bout our Englih quits. Antiquities, they were pleafed, among other Things, to complain of the want of Some Helps that might render the Study of them much more easy than it appeared to them, at that time, to be: and they fuggefted, that it would be proper to put out a Book to hew the

## THE PUBLISHER'S

the Methods that are to be follow'd in this Study, and to explain the $A b$ breviations or Contractions in old Marbles, Coyns and MSS. They were So candid as to recommend the Task to me. But I ruas too confcious of $m y$ own Inabilities to engage in an Undertaking, which requires a very great Capacity and muchreading. . But tho I thought it prudent to wave what I am by no means equal to, yet I cannot but make this general Obfervation with re/pect to Infcriptions, Coyns and MSS. that fuch as bave a Genius to the Study of Antiquities will find it much more uSefull to objerve their own Method, than to be guided altogether by the Prefcriptions of others. General Rules may be laid down about

## PREFACE.

bout Abbreviations and the different ways of writing; but fuch Rules will be found to fail very often, and Experience and Practice muft be the beft Helps in explaining the moft difficult Remains of Antiquity, reithout a Jlavilh Regard to fet Rules laid down even by the beft Mafters.
§. 2. Nor is this Opinion the $R e-$ - And that sult only of Fancy. Many noted $A n$ - heo opi- nio of tiquaries were of the fame mind. $\begin{gathered}\text { Ahe beinet } \\ \text { Andut }\end{gathered}$ Hence 'tis, that we have fo many different Explications of the very fame Monuments, wihether MSS. Stones or Covns. And thofe too fupported withexcellent Learning ; So as even all thofe Explications will instruct and inform, as well as divert the Reader. Ineednot mention the different Interpretations of the Fafti

Fafti Capitolini; nor the Difputes that bave happened about the famous Parian Cbronicle at Oxford, in one of which Mr. Selden was not a little difcompofed, becaufe $\mathcal{M r}$. Lydiat bad hew'd a more accurate skill in Chronological Controverfies than himSelf, as foSeph Scaliger was likewife much moved, upon the very Same account of Mr. Lydiat's knowledge. But Difputes of this nature prove of most fervice when they are managed without rancour. Accordingly, we have always feen, that Writers of Candour bave not only obtained univer fal Relpect, but bave bad a particular Influence upon their Readers. Yet warm Animadverfions and Reflexions are certainly Sometimes requifite, elpecially when thofe

## PREFACE.

thofe of the contrary fide fhew fuch a Behaviour, as, perbaps, nothing may reclaim them but fharp and Severe Returns. For this reafon another kind of ufage would be uncharitable and unchriftian. Wife men have always thought So, and they bave, therefore, upon occafion, afforded no better Reception to fcurrilous and proud Writers, who have been Sometimes reclaim'd by fuch methods. But of all the Writers that hew'd a particular Art in explaining Antiquity, Peireskius was, certainly, one of the mof bappy. He was both avirtuous and a learned Man. And as Virtue is far preferable to Learning, foit gain'd him a very distinguifhing Refpect, and made his learned Remarks the more
c bene-

## XVIII THE PUBLISHERS

beneficial to Juch as were concern'd in them. He was known all over the learned orld, and bis Judgment was as univer Sally fought, and when given it was as much admired and esteemed. Camden knew of none fo happy in the unriddling Coyns. The Same was attefted of him with reSect likewise to Marbles, and other Remains of Antiquity. Of this bis Life, excellently well written by Gaffendus, is sufficient Proof. Were there no other Instance of his Sagacity, his bare Interpretation of the following marks upon an old Amethyst (mentioned in the Said Life ${ }^{\text {I }}$ ) is an undenyable Argument.

This had puzzled all that had Seen

1. Page. 49.
it. But as soon as he had view'd it, be recollected with himself, that the marks were nothing but holes for Small Nails, which had formerly fastened little lamina, that repreSented So many Greek Letters, placed in a contrary order from that in vogue, fo as to be read thus: $\triangle$ IOCKOYPI $\triangle$ Or. Which be made very clear, when he drew lines from one bole to another in this manner:

According to his opinion, therefore, this Diofcorides was the famous Engraver of Augutus, and the Letters being done backwards (after the Custom of Engravers when an Impreffion is to be made after-

$$
\text { c } 2 \text { wards) }
$$ withall exhibited on the Amethy/t, it will/here, that Augultus (provided he gave orders, as 'tis fuppofed he did, for it) ufed it as a Seal, and that he was a particular Admirer of Solon, and the Laws establifhed by bim. Nor did Peireskius want Authority to countenance bis Conjecture. He produc'd the following Remains of an ancient Monument:

Thefe marks being in an old Temple dedicated to Fupiter, he rationally concluded, that they were originally deffoned for Nails, which fix'd Juch Letters as fignify'd to whom the Temple was really dedicated, a thing frequent in old time, that no body

## PREFACE.

body might be ignorant of the refpect to be paid at fuch Places. Hereupon he readily explain'd the Figures thus:

He might have ftrengthened his opinion from other Monuments, and might, withall, have made it plain, that the Nails alfo reprefented a way of making the Letters then much in ufe. For which we bave even Such Forms in old Coyns,particularly in the Syriack ones, of wolich Ihave feen feveral formerly in the Bodleian Library.
§. 3. But now tho' Expe- Yeta paticilur rerience and Praitice be the hanewd did fuch as A much better acbeft Helps for the Interpre- counctinghen be bir tation of obfcure Monuments own Country-men

## THE PUBLISHER'S

of MSS.Sones and of Antiquity, yet at the fame Coyns, han haxth yet
been pubilihed by time a particular regard any.
ought to be had to fome Writers, who bave laid down rules for unriddling fuch kind of Monuments. Among which we ought to reckon Ur fatus, Mabillon and Montfaucon. The two latter have publifhed many curious things from MSS. and have been very converfant in the moft dark things of that nature. And the former laid out moft part of his time in explaining the hardPaffages in old Stones and Coyns, as manyothers befides have done. When Ur fatus is confulted, Smetius and Gruter muft likewife be confider'd, there being fome things in both that do not occurr in Urfatus. Yet after all, it muft be noted, that a much better

## PREFACE.

Account might Aill be given of MSS. Stones and Coyns, than bath yet been publifhed by any. Writers what foever, and that too even by fome of our owen Country-men. We bave rare Monuments of Antiquity, brought from all Parts. I do not know of a better Collection of Greek MSS. now remaining, for the number of them,than our Baroccian one, many whereof are unpublihbed, which, neverthelefs, certainly deServe the light, and then an opportunity might be taken of explaining $/ e-$ veral Abbreviations and Words, not taken notice of by the mof diligent Searchers into Antiquity.
§.4. There is no occafion the execlency of theBaroccian Colleto enlarge in the Commenda- $\begin{gathered}\text { ction of GreekMSS. } \\ \text { fufficiently known. }\end{gathered}$


Col-

## THE PUBLISHER'S

Collection, becaufe, were there no other Proof of it, the goodne $\beta$ thereof might be eaflly learned from Mr . Chilmead's Catalogue, as alfo from divers Pieces that have been made publick from it by feveral very learned Men. And here the untimely Death of that great Scholar Dr.Gerard Langbaine is much to be lamented, whohad, with very great Induftry, furveyed all our Oxford Libraries, and had read over, with much accuracy, and a judgment peculiar to bimfelf, this Baroccian Treafure, and had extracted much) from it (as he had from other MSS.) with a defign to print fome noble Work. This Work was to containu divers $V$ olumes, and was to confist of many Traits and Fragments,both.

## PREFACE.

Greek and Latin, and Sometimes Englifh, either never before, or, at leaft, very imperfectly printed, as well in Sacred as prophane Learning, a Specimen of which Defign I bave now before me, being a Fragment of Fofephus, or Caius, or sather Hippolytus's Book wêi mis fro nouros ajriac' which tho' it had been Set out before by Hoefchelius, and is fincereprinted according to his Ed. by Le Moyne, yet what the Dr. hath done is much more perfect, andfar furpaffeth the Performances of thofe learned Editors, and for that reaSon I bave fubjovn'd it to this woork ${ }^{\text { }}$, as Itranfcrib'd it many years ago in my Collections.

1. Appendix, num. IV.
d
§. 5.

Which might have been finillhed, if he had been aflitted by others.A better Provifion ought to be made for theClergy.
§. 5. Had Dr. Langbaine bad the Affitance of others, there is no doubt but that great Work, I have mentioned, might bave been brought to perfection. But'tis a great unhappine $\beta$, that learnedWorks in England are, generally, the Performances of finglePerfons, which might, otherwife, equal any Thing done in France, where, of late years, asociety of learned Men have fet out fuch. exquifite Works, as mult needs be. always admir'd, which was the more eafily effected, when they had a moft generous Prince to encourage them, who fpared no Cofts to promote all manner of good Learning and Knowledge. It is certain, that no Kingdom bath produced more excellent

## PREFACE.

lent Scholars than our own; tho' at the fame time it is equally certain, that multitudes of them bave not been able to exert themfelves, becaufe they have not receiv'd due rewards. Men of Abilities hould joyn together, and large Stipends Bould be fettled upon them, that they may unanimously con/pire to carry on the Intereft of Learning. It is lamentable to confider what a poor Pittance fome of the Clergy have, who are, otherwife, very grave and learned Men. This breeds a Contempt, and makes the generality of Mankind defpife and neglect them. It was therefore a glorious and reLigious ' work of K. Fames I. who

1. Sir Benjamin Rudierd his Speech in behalfe of the Clergie, and of Parifhes miferably deftitute of Inftruction, through want of Maintenance. Confirmed by the Teftimonies of Bilhop Jewel, Mafter Perkins, and Sir H.Spelman.Ox. 1628. $4^{\text {to. p. } 3 .}$ Scotland, the Highlands and the Borders, worth $30 . l$. a year a peece, with a house and Some glebe land belonging to them; which 30.l. a year, confidering the cheapne $\beta$ of the Country, and the mode/t fafhion of Minifters living there, was worth double as much, as any where within an 100 . miles of London. This weas an Example to be imitated, and I cannot but wifh, that a much better Provifion were made for the Englifh Clergy than we See there is. 'Tis a deplorable Cafe, and what ought to be taken into the moft ferious Confideration, that men of worth and parts hould have no more than five marks, or five pounds a year. There

## PREFACE.

There are fome fuch Places in England. For which reafon it happens, that God is often little better known there than among the Indians, the Prayers of the common People being more like /pells and charms than devotion. An obferving man ${ }^{\text {r }}$ notes, that the fame blindne/s and ignorance is in divers parts of Wales, which many of that Country do both know and lament. And what a zealous Author tells us of the defects of his own native Country is equally remarkable. Although our Country of LancaShire ( (ays ${ }^{2}$ he) is one of the largeft

[^6]fhires in this Kingdome, yet it hath for the publike worfhip of God onely thirty fix Parifh Churches within the large circuite of it, as our hiftories fhew, and fome Parifhes forty miles in compaffe to my knowledge, whereas fome other fhires not much larger then one divifion or hundred of Lancafhire, are knowne and recorded to have two or three hundred Parifh Churches in them, and thofe. farre better furnifhed with meanes for maintenance of an able Miniftery then ours are: for example the hundred of Fourneffe where I was borne,

[^7]
## PREFACE.

 which for fpatious compaffe of ground is not much leffe then BedfordShire or Rutland/hire, it hath onely eight Parifh Churches, and feven of thole eight are impropriate, and the livings in the hands of Lay men, and in fume of thole Parifhes which be forty miles in compaffe, there is no more ordinary and fer maintenance allowed for the Minifaery of the Word and Sacraments, but ten pounds or twenty nobles yearly.§.6. Now to hew howell our own Countrymen have Succeeded, when Several have engaged together in one and the fame Work, I need not $\begin{gathered}\text { own hniquitiors. } \\ \text { Ant ices }\end{gathered}$ mention any thing befides the Polyslot

## THE PUBLISHER'S

glott Bible, which is a moft noble Work, and far exceeds anyPolyglott Bible done beyond Sea. It was done by many very learned Men,the principal whereof was Dr. Walton, afterwards Bi/hop of Chefter. What made it the more admired was, that it was carried on and finifhed with So much expedition, in a time when the Church of England was in a very fuffering condition, and Men of probity and true learning were perSecuted, and forced to abscond and. endure theutmoft Hardfhips and Severities. So that fince there are fo many excellent Scholar in England, and fince, when they have joyn'd in any Work, nothing bath proved too difficult for them, what an admirable Performance muft that needs prove,

## PREFACE.

prove, which Shall, at any time, be undertaken, and carried on by a Society of Antiquaries, that /ball agree to act, as much as polfibly they can, for the Honour of this Kingdom? Leland and Camden themselves have done wonders. But then their works, how noble Soever, will be far outdone by the writings of Such a body of Men, famous for their learning and induftry, as bal resolve to Set out, not only a moot compleat Defcription of Britain, but a Hiflory also of it, extracted from the belt Materials, and at the fame time likewise give us, in feveralV olumes, the original Authors they make use of, provided they are worthy the light, and have not been already printed.

$$
\text { e } \quad \S .7
$$

Men that carry on fuch joint Labours fhould have their ftated Meetings, and write Differtations upon intricare Subjects, in the fame manner as was done by the Sociery of Antiquaries in the time of Q.Eliz. and K. James 1 .
8. 7. Such a Society as that I bave been Ipeaking of, muft confit of $\mathcal{M e n}$ of the most pregnant parts, and they are to difcufs the moft intricate and obfcure Points in our English Hiftory and Antiquities. They /bould have their fated meetings, and give their opinions, not only by word of mouth, but oftentimes in writing. This method will occafion many fort curious Difcourles, that will be proper to be printed, and put into the Hands as well of others, as of the young Nobility and Gentry, and will, mof certainly, be for the Honour of this Nation, as conducing more thanany thing elfe, that I know of, to the Illuftration of our Hiftory and Antiquities. In the time of $\mathbf{Q}$. Eliza-

## PREFACE.

Elizabeth and K. Games I. there was such a Society, made up of right learned Antiquaries, that used to meet together, and as they undertook great Matters, fo their Performances were answerable to their Undertakings; and had they went on, there is no doubt, but by this time we had had a compleat account publijhed of the molt material Things inour Hiftory and Antiquities.
S. 8. But it being fugsefted, that the Said Society (commonly knorenn by the name of the Society of Antiqua- $\begin{aligned} & \text { Served, a Collection } \\ & \text { of forme of which is } \\ & \text { now at at aft publifh }\end{aligned}$ ries) would be prejudicial to Notwithstanding
the Diffolution of that Society, yet many of their Difcourres have been pre-
ferved, a Collection now at last publishcertain great and learned Bodies, for that reason the Members thought fit to break it off. Nor were there wanting very powerfull men that

$$
\text { e } 2
$$

proved

## xXxVI <br> THE PUBLISHER'S

proved enemies to them, and, among other things, they were pleafed to alledge, that fome of the Society were perfons, not only difaffected to, but really of a quite different per/waFion from, the Church of England. But notwithftanding the Society was thus dißolved, yet great care was taken to preferve many of the little Differtations that bad been occafionally weritten by divers of the Members, Copies of fome of which were at length procured by my late. reverend and very learned Friend Dr.Thomas Smith, who defign'd to publih them limself, for the ufe and Service of the young Nobility and Gentry of England. But his time being imploy'd on other Subjects, upon bis Death, which happened on the eleventh

## PREFACE.

eleventh of May in one thoufand, $\rho_{e}$ ven hundred and ten, (as I have formerly fignify'd ${ }^{1}$,) about fix weeks after the date of the laf Letter ${ }^{2} I$ receiv'd from bim, be left this ColleCtion, among other curious Papers,to me. As foon as I Jaw the Collection, I could not but very much applaud my learned Friend's defign, and I prefently began to think of printing it my Self; which, accordingly,Ihave at laft done, being fully perswaded, that it will be beneficial, not only to our young Nobility and Gentry (for whom it is principally intended) but likervife to persons of greater maturity, fince there is abundance of excellent Learning throughout, which

[^8]will be the more entertaining upon account of the brevity made ufe of by the relpective Authors.
The names of feveral of the Authors of thefe Difcourfes wanting. The Members of the Society ufed to be fummoned when their Opinions were defired.
§. 9. It is obfervable, that Several of the Difcour Ses in this Collection bave no names prefix'd to them. I cannot therefore tell, at prefent, who the Authors of them were. This omiffon was occafioned (as 1 take it) not by the Authors themSelves, but by thofe that ought to have regiftred them. For when Conferences were. bad upon fuch and Juch Topicks, the Members ufed to be fummoned, and their Anfwers were defired either in writing or otherwile ; fo that the names of those that gave their Opinions could not be then unknown, thoo they might not be transmitted toPoAterity.

## PREFACE.

 as to fummoning is true, appears from a paflage in a MS. in the $A / b-$ molean Museum, which becaufe it will very much conduce to a Notitia of the Society, I Jhallhere transcribe it at large, as Ifind it entered in my Collections ! :"Society $\mathfrak{o f}$ Antiquaries. " $\mathbb{I}$ a 97 . Stowe.
"年teplate appointè for a Conferente upon "the queftiou follominge, ps att gir. Garters " haufe on Frydaye the it. af this Nouember, "beinge alfoutes Day, at ii. of the clooke in that" $\because$ ternome, lwhere paur appinioun in wrytinge "ax othermple is expected.
" Ithe queftion its, $^{2}$
" $9 f$ the $\operatorname{Gnttquitie,~Ctimologie~and~priví~}$ "ledgex of pariffes in Curglande.
"热t py derpred, that pou give not notice "hereof to aut, fut futhe as bate the like "fomont.
"On the back-fide Mr. Stowe writes " thus with his own Hand,
 3. Vol. Lxxxiri.p.s.

## THE PUBLISHER'S

"Cantorbury, debided big probince into pa "riffes, te ordepned tlerfy and prectars, cos "mannoinge them that they fyould inftucte "thepeaple, as well be gwo lefe, as by doctupne. " 760 . Cuthbert, archlygiffope of Cantorbury, "procured of the pope, tyat intities and townes "there fyuld be appognted Churehe pards far "huriall of the dead, fobofe hodyes fuere uled "to he huried ahrade, \& cet.]
"Ibe place apointed for a conference upon the " ©aeftion followinge, is $\mathfrak{B l}$. ©arter's bowfr, upon "All ${ }^{\text {soules }}$ dag, bcinge Thurfday the frcound of No"vember 1598. at one of the clocke in the after noone, " \{abere your opintoun cither in foritinge or otberwife "is $\mathfrak{k r p s e t e}$ upon tbis queftioun,
"פf the Gntiquitie of Armes in England.
"醋 is defired, that pou bringe none otber with you, "nor geve anie notice unto anif, but to fuch as babe "the like fomouns.
"Io 9 Ir. Bowyer.
"In another Leaf, of the fame MS. but "in a different Hand,
"Auno ${ }^{\text {Des }}$. "Itye names of all tyofe fobich were
"Eliz. xllo. " fomoned att tbis tume.


## PREFACE.

"Item றฺr. Holland.
"Item $\mathfrak{Q r r}$. Stowe.
" Item $9>\mathrm{sr}$. Then.
"Item $\mathfrak{M r}$. Doc. Doyley. .
"Item 3 ar . Carew.
"Item \$ry. Bowyer.
"Item $\mathfrak{T g r}$. Menage.
" Item 9 Sr. Leigh.
"Item sSr. James Ley,

"for $\mathfrak{F B r}$. Erfwicke.
" not fomomed,
" 3 sr . Spilman and
"野r. Broughton,
" nor $\mathfrak{M r}$. Lake.
"per me Ch. Lailand."
§.10. As in this Collection there are many valuable remarks about Sterling money, Jo'tis to be withed that there badmen as good observations to be found in it, about the uSe of Roman Corns, with resect to our own Hiftory. But 'is likely, that this was a Subject paffer aver by the So1. Sic.

It were to be willed that forme one of the Society had given us a Difcourfe of the use ofRomanCoyns, with respect to our own History. A wrong notion, thar Roman Coyns are chiefly to be valued becaufe of their rarity. Notice of a City called Salmonsbury. A Roman Town formerly in Berry-Grove, in the Parish of whitWaltham in Berks. Not certain that Campers in Glowcefterflire was makoman Town. kiel.
clot,

## XLII THE PUBLISHER'S

berp on a Coyn of K. Edgar. The Coyns of Conftantius Gallus fome of the molt fcarce in all theRoman feries. The cultom of putting Coyns in Urns, and Itrewing them under Foundations.
ciety, either becaufe the fame was fufficiently evident from Mr. Camden's Britannia, or elfe becaufe the RomanCoyns are rarely mentioned by our -old Hi/torians.' Tis true, indeed, the ufe of the fame is very plain from the Britannia, in which there is frequent mention of Coyns for afcertaining the Antiquity of many Places, in the Same manner as the Compiler thereof had found it done to his hands by Mr. Leland. And Mr. Camden bath, withall, given us the Figures of fuch old Roman Coyns, as belong chiefly to the Britifh HiAory, tho' the obverfe fides are far from being exact, as was long ago noted by Ortelius. But notwithfanding this, bad either Sir Robert

## PREFACE.

Cotton, or Mr. Camden bimself, or any other Member of the Society well verSed in thefe Affairs, weritten a Jhort Difcourse upon this Sub. ject, it would have been a more ready way to Settle the ufefulnefs of the Roman Coyns, with regard to our own Hiftory, than to leave the Perfons concern'd, to pick it out from a large Volume. Nor is it Jatisfactory to fay, in the fecond place, that there was no occafion for Such a Difcourse, becaufe the Roman Coyns are Sel'dom mentioned by our old Hiftorians. For our Hiftory is to be collected from other Writers befides our owen, namely from the Roman Authors themfelves, which cannot well be underflood without confulting their Coyns, and that not only as to Chro-

$$
\mathrm{f}_{2} \quad n o l o g y,
$$

## xıiv THE PUBLISHER'S

nology, but with refpect to Places. For this reafon, particular notice is to be taken where Roman Coyns are found in Britain. By this means we Shall be able to clear the Itinerary Tables, and to tell what the modern Names are of the Places mention'd in them; at leaft we /hall eafily find out the Antiquity of many Places, it being certain that there have been Roman Towns, or Vills, or GarriSons, where multitudes of Roman Coyns are difcovered, provided fuch. Coyns are not found all together in Urns, but fcattered up and down, as we find they are at many Places, which, as appears from the very names themfelves, were moft certainly Roman. A MS. in the Cotton Library ${ }^{\text {I }}$ mentions a City call'dSal1. Under Verpar. B. xxiv. monf-
monsbury. There is a Place now calld Salmonsbury Bank about a mile from Burton on the Water in Gloucefterfhire. There is not So much as a Houfe there now 1 think, but it is very manifeft, that there have been large buildings there. If Roman Coyns hould be difcovered at it, the Antiquity of the Place will be carried beyond the Saxon Times. In my Preface ${ }^{1}$ to the fir $A$ Volume of Leland's Itinerary I gueßed, that there had been a Roman Town in 'Berry-Grove, within the Parih of White-Waltham near Maidenhead in Berks, and 1 find my conjecture fince confirm'd, not only from old Tyles and Bricks,which I Sawthere in November 17 12. (at which time I difcovered the Ruins of a building I. §. 5: and South) and are exactly the Same with thofe found at Stunsfield near Woodfock in OxfordJhire, and in Weycock Field (where was a Roman Fort) in the Parih of Lau-rence-Waltham in Berks, but from Coyns that bave been ploughed up there. Some of which Coyns have been thrown away, but one of the bigger Brafs was lately Sent to me by a Perfon whofe Fidelity in thefe Affairs I can rely upon. He aßured me, that it had been found among the old Ruins of the buildings on BerryGrove Hill, and that Several befides had been found there. This which was tranfmitted to me is fovery obfcure, that I can difcover but only one Letter upon it, which is an A,

## PREFACE.

and is on the obverfe fide; but from theHead and the diftance of the Said Letter A, Igather, that it is a Coyn of Claudius, and, I think, it was Atruck an. Ch. 43. when he came into Britain, and got a compleat Viflory, for which a Triumph was decreed him the year after. There feems to have been the figure of $V_{i}$ Alory on the Reverfe, which will agree exailly with my opinion. Inever faw one upon this occafion with Vitory before. A learned Friend Shew'd me lately a Coyn of Antoninus Pius of the bigger Braß, found in a Garden in the Town of Campden in Gloucefter/hire. Joannes Caftoreus or Fohn Beaver calls this Place Campodunum, and $m y$ Friend takes it to be Roman; but whereas

## xlviII THE PUBLISHER'S

whereas this is the only Coyn that he knows to have been found there, I will fußpend my opinion'till I hear of better Evidence: In the mean time I cannot but note, that even Saxon Coyns do alfo oftentimes illuftrate the Antiquities of Places, altho' they Sould prove to be of no other ufe upon account of their rudene Js. My excellent Friend Thomas Rawlinfon, Efq. bath a Coyn of $K$. Edgar, on the Reverse of which is in eelberb. There is a Place in the Parifh of White-Waltham before mention'd called Eelberds or Eyllbudds ${ }^{1}$, and it is worth inquiry whether it might not be of note in the Saxon Times, and whether or no

[^9]
## PREFACE.

the Coyn bath not Some reference to it? So that it being evident from what hath been Said, that one great ufe of RomanCoyns,found in Britain, is to difcover and clear the Antiquity of Juch and Juch Places, Coyns, that are otherwife common, will be, in that repect, as much valued, as thofe which are juftly look'd upon and efteem'd as rare. For which reafon particular notice Mould always be taken where Coyns are found, and when it is known where they are difcovered, they /hould not, as commonly they are, be rejected becaufe they are not Scarce. I wihb this had been always obferved by learned men. We had had then, in all probability, much clearer accounts than are yet made publick of Antiquities.' Tis for g

## THE PUBLISHER'S

 want of this obfervation, that thofe that have written profeßedly of Coyns, have not told us where the Coyns they publijh were found. Both Occo and Mediobarbus indeed tell us in what Archives many of their Coyns were lodged. But 'twould bave been of much greater Service to Learning, had they told where they were found. This is a defect likewife in the great work of Baron Spanbeim.But I would not, by any means, be underftood by what is here faid, . to condemn thofe that have no other view than their fcarcenefs in gathering Coyns. This view it felf deferves very great praife; becaufe many excellent peeces may be picked up, that may be of Service to fuch as know how to turn them to their trueand proper use. And here I muft recommend to fuch. Collectors a particular examination of that vaft variety of Coyns, that we bave of Confantius with FEL.TEMP. REPARAT1O, and advife, that they would not defpife them because of their multitude; becaufe'tis probable, that they may find amongst them the Coyn of another Conftantius, befides Fl. Ful. Conftantius, (whofe Coyns are not vare) with the very fame Infcription, and that is of Conftantius Gallus, Brother of Julian the Apoftate, and Coufin-german of the other Conftantius. And this recommendation is the more Seafonable, becaufe I look upon the Coyns of this Conflantius Gallus, who was beheaded for his wickednefs in the $29^{\text {th }}$. year of bis Age, g 2 and
and the fourth after he bad been madeCefar, to be fome of the fcarceft in all the Roman Series. The difflculty will be in this vaft variety to diftingui/h one from the other, fince little or no affiftance fometimes will be had from the Infcriptions, efpecially if the letters hould not prove very vifible. But the face will eafly difcover to which the Coyn belongs. Conftantius Gallus was much more beautiful than bis Coufin, and there is a flar always before bis Face, and a Globe in his Hand. I remember, that a forreign Gentleman (who made this study his Profeffion) took a journey to Oxford fome years ago, on purpofe to examine the Cabinets of that Univerfity for Coyns of ithis Conftantius Gallus, well knoziing

## PREFACE.

LIII
that the words of Savotus ${ }^{\mathrm{I}}$, Conftantii Galli, Conftantinæ,(Galli uxoris,) Defiderii, Vetranionis, Nepotiani, \& Silvani, nummi cujufvis materiæ adeo rari funt, ut vix quidem reperiantur, are very true. This alfo muft be faid for common Coyns, that they are as ufefull in Chronology as thofe that are fcarce, elpecially when found in Urus. For the Romans at their ordinary funeral Obsequies, when the dead Corps was burnt and confumed, took the afhes thereof, and put them into an Urn or earthen pot, with a peece of Coyn of that Emperour under whom they died, and So buried it in the ground. For which reafon great notice ought to be taken 1. Lelandi Coll. Vol. V. p. 280.
of

## LIV

 THE PUBLISHER'S of the Coyns found in Urns, because they are a certain argument of the time when the per fons to whom they belong'd deceafed, as it is, withall, an argument of the Antiquity of any place, when fuch and fuch Emperours Coyns are found at it, it being cuftomary with the Romans under the foundation of any Building, Monument or peece of Work of note, to caft and lay fome of their Emperours Coyns in whofe time it was made; to fignify to Pofterity, and to preferve. (for many ages after) the Memory and Fame thereof ${ }^{1}$. So that if there be any Chronological Notes on the Coyns (as there are on abundance of the Roman ones) the wery year, when either the Per fons died, or the Build1. Burton's Antiquities of Leycefter(hire, p. 132.
## PREFACE.

ings were erected, may from thence be learned, which alone, Ithink, a Sufficient inducement to engage young Gentlemen and others in this study. 'Tis not, therefore, without reafon, that in Some parts of England they will give more by the Acre for Land that lyes near any old Roman Town, Caftle, Caufeway, or other remarkable Eminency, or where other ancient works, either Saxon, Dani/h, or Norman bave been, in bopes of Come lucky chance, (Coyns and other confiderable Antiquities being generally difcover'd where there have been Juch works) than they will for Land, bowever otherwife in far better condition, that is remote from any fuch Places. I mention the Saxon, Danifh and Norman works, becaufe

## LVI <br> THE PUBLISHER'S

becaufe the fame cuftom of flrewing Medals or Coyns under their Builaings and publick works was obferv'd even after the Roman Power had quite dwindled. Hence 'twas, that Pope Paul II. caufedgreat flore of Gold and Silver Medals, Atamp'd with bis Efflgies, to be laid under the Foundations of his Buildings more veterum.

The filence of our Hiftorians about the Roman Coyns an argument, why the Subject flould have been handled by the faid Society.
§. II. To carry this matter a little farther, the filence of our own old Hiftorians about the Roman Coyns, is fo far from being an argument, why the Society Jhould not write upon this Subject, that it feems to me to be rather a good reafon, why it Should have been handled by them. For as thofe Hiftorians did not throughly under-

## PREFACE.

underftand the ufe of Roman Coyns, So they judg'd it beft to paßs them over. And therefore what was left unexplain'd by them, hould bave been cleared by thofe that were, in that reppect, better skilld. Writing and Illuminating were in very great perfection among the Monks, and'tis certain, that they were skill din many branches of good Learning. But then the pure Claffick Authors being, sener ally, much neglected among them, they did not take care to make themfelves Mafters of Such curious Points as particularly relate to the explication of them; one of which Points 1 take the knowledge of the Roman Coyns to be. Had they been curious this way, I am apt to think we Sould have bad Draughts it h their

## lviir THE PUBLISHER'S

their illuminated Books of many of the Roman Coyns. But ala $\beta$ ! they were Joignorant in this affair, that they could not give directions to our Princes to bave the common Corns done with any manner of Elegance. Not only the Saxon and Danilh, but eventhe NormanCoyns are flransely miferable; nay fome of the Coyns Soon after the Norman Invafion are much worle than thofe in the Saxon Times. Whereas bad ingenious and learned Men apply'd themfelves to the study of the Roman Coyns, they would have ufed proper Methods for preventing this rudenefs, which would have conduced much to the credit of our Princes.

$$
\text { §. I } 2 .
$$

## P R E F A C E.

§. i2. Mr. Jofeph Holland Mr. Jofeph Holland had a very good opportunity offered of doing it, and by that means of writing about many Places either quite deftroyed, or very much diminilhed. AD ANsam not corrupted in An:oninus.It was a conliderabletown, and not a fingle houfe only. time when he had occafon to had a very good opportunity of writing his thoughts upon this curious Subject, when be mentionid his Coyns to the Society, particularly at that fignify that he bad a Coyn whereon was Camuladunum ${ }^{\text {I }}$. He might, in juch a Difcourfe, have eafly prowed from Coyns, what be afferted, that there ruas in old time a much greater number of Cities,Torens and Villages in Britain than there is at prefent. From Conns it is plain, that in abundance of Places weere formerly Towns where there is not now So much as a fingle Houfe. 'Tis true, be confirms bis affertion from good

1. See thefe Difcourfes, pag. 63.

Authority. And I have feen many MSS.which plainly prove the fame; tho' one of the beft I ever faw of that kind, is a MS. that belong'd formerly to Mr. Lambard, and is now in the Bodlecian Library. Had Mr. Holland enter'd into this Subject, he mu/t have written a much larger Difcourfe than that which he hath obliged us woith about the Antiquity of Cities, which, however, is wery good, and may give a Hint, it is probable, to others to be more copious, elpecially. fince fo many excellent and wery ufefull difcoveries may be made in fuch a Difcourfe, about Places that are either quite deflroyed, or at leaft very much diminifhed from what they bave been. In order to which allother Antiquities that are dijcover'd

## PREFACE.

inany Parts of Britainmuft be nicely noted. Mr. Weever had good reafon to conclude from an Urn, on the cover of whichwas coccilli m. [i.e.Coccilli Manibus] that Coggefhall was derived from a Roman Officer called Coccillus ; and, without difpute, the Coccill way was likewife called from the fame Perfon. He might, indeed, be the chief Builder of that Place, as likewife of a Place called in Antoninus's Itinerary AD ansam. Several bave conjectured, that AD ANSAM is a corruption in Antoninus. But they do not produce So much as one MS. to confirm their opinion. Mr. Camden thought it to be nothing but a Terminus of the Colony of Camulodunum, from which it is faid in Antoninus to be fix
fix miles diftant, and he believes that there was only one fingle House or Inn at it, with the Anfa for a Sign, and that from this Sign it was denominated. For this reajon he imagins, that the Dative Cafe is here changed into the Accufative. But I bumbly beg leave to diffent from this great Man. It feems plain to me, that it was a Garrifon confifing of many Houfes. Nor is the Cafe at all changed, AD ANSAM, or, as it is in Surita's and Bertius's Editions (in. one fingle word) adansam, being the fame in all Cafes, fo as loco or oppido, or fome Juch things is to be underftood. And there are examples for it in Antiquity. We have Ad lapidem, (or Erfene,) Ad Murum, (or Eะ Falle, and other Places of that kind

## PREFACE.

kindin Bede, where we bave alfo $\mathrm{A}=\mathrm{T}_{\mathrm{pifops}}$, (which) is the fame as ad duplex vadum) all very confiderable Towns, and not fingle Houfes or Inns only, much the fame, to be fure, as Antoninus's Ad Anfam. So that I take fuch Towns to have been the true $\Sigma$ тäpuoi or A>razas of the Ancients, being accommodated with all things convenient for all forts of Travellers; and twas at them that the Souldiers ufed to refrefb themfelves, and change their Hor Ses and Carriages; from which cuftom of changing in latter times, evenfre/h Garments were call'd alfo A>>ará. It muft, however, be allow'd, that tho' this Place grew to be eminent and large at laft, yet at firft it was only one Diverforium or Inn, on which

## THE PUBLISHER'S

therewas the Sign of the Anfa', by which name, for that reafon, the whole fiation it lelf was call dafterwards, a Thing not uncommon even to Several other Places, both in ancient as well as more modern Times.

Such as collect Coyns deferve great praife ; efpecially if it be with a defign to benefit the Publick. Both the Univerfities have had Donors of that kind of Antiquities. Dr. Andrew Pern (however traduced by fome) was a Man of very great Merits.
6. 13. Since therefore Conns muft be allow'd to be of fuch. ingular ufe inHiftory and Antiquity, and that even with relpect to our own Britifh Affairs, it is very laudable in thofe that makeCollections of Coyns, and take care to have them appiyd to the benefit of the Publick. It is well known what Archbihop Laudandothers have done, as well in this, as other parts of Learning, for the Univerfity of Oxford. The famous Mr. John Greaves took great pains

## PREFACE.

pains in digefing the Coyns given by the Archbihop, who return'd him bis Thanks ina Letter ' written by his own hand. And when the late Conjul Ray gave an extraordinary Collection of Coyns to the Same famousUniverfity (all which I put into order, and made an exact Catalogue of them, now lying by me, as I put alfo their names upon each Cell in which they are lodged, to fay nothing of the pains I took about the Coyns that were before in the Libra$r y$, by afffing in the continuation of Mr. Afbmole'sCatalogueof them, and by inferting with my owem bandwhat bad been given fince Mr. Alhmole's time by feveral Benefactors, particularly by Mr. Timothy ${ }^{2}$ Nour Se

[^10]formerly of Univerfity-College) they not only conferr'd the Degree of Dr. in the Civil Law upon bim, but Shew'd him Such other Reßects, (he being then perfonally prefent in the Univerfity, on purpofe to deliver the Coyns with his own bands, ) as plainly prov'd, that they bad a true and juft Sense of the worth of hisPrefent, and of the fingular use that it would be of to true Learning. I mention Conful Ray the rather, becaufe moft of the Coyns he gave are Greek ones, of which there was but a fmall number in the Univerfity Library before. Nor hath the Univerfity of Cambridge wanted Benefactors, who have likewife been Collectors of Coyns. But this is a Point that 1 leave to be treated of by Some learned

Hand of that Place. I will, however, beg leave to take notice of one, and that is Dr. Andrew Pern, a Perfon of very great Merits, notwithStanding he bath been traduc'd by forme, who were much inferiour to him on all accounts. As hewas avery learned man himself, so he was a moft generous Promoter of all good Litterature, and indeed did all that poffibly be could for the Interest of the Publick. Among other Things, he gave an excellent Collection of old Cons and Medals to the UniverSty, being well apprised that a Libray cannot be Said to be well furnikhed, unless it'sTreafures be made up partly of Such veer able Remains of Antiquity. But 1 J ball forbear enlarging in my oren words, since

$$
\mathrm{i}_{2}
$$

what

## LXVIII THE PUBLISHER'S

 what may be obferved of this very worthy man, is already done to my hand in a commemoration Sermon, printed above fixty Years ago, in which there is the following pafSage ': "For which reafon, give me "leave, as the prefent occafion re"quires, to mention the name of that " noble and freehearted Benef actour " both to this whole Univerfitie, and "e/pecially to this adjoyning Colledge, "(Peter-houfe) Dr. Andrew "Pern. His bounty to this Colledge. "in adding a new foundation of two "fellow/hips and fix Jcholler/hips; "in building our Library, and fur"nihhing it with a plentifull variety "of choice books, in eftablihhing a1. Sermon on the yearly Commemoration of Dr. Andrew Yern, 1654. By J. Clerk Matter of Arts, and Fellow of Yeterhoufe. Cambr. 1655.8 Vo. pag. 28.
"Li-

## PREFACE.

"Library-keepers place, and in ma"ny otherworks of great advantage. "His happy and renowned endea"vours for the honour and proberi" tie of the Univerlitie in generall; "for the vindication, and enlarge" ment of their priviledges; his be"quefts of a yearly penfion to the pu"blick Library-keeper, and a box of "ancient coyns and medals of great "value. But e/pecially his wife and "Succeßefull painsin contriving and "procuring that neceßary Statute " of the 18.0f Queen Eliz. to turn "the third part of our ancient rents "into corn money. To which both "the Univerfities ow their comfort"able fubfiftence ever fince. Hisli"beralitie to thofe places in the "countrey, whereto he hadrelation, " making

## LXX THE PUBLISHERS

" making them provifion for a yearly "Sermon and diftributions to their "poore. The fe and many other woo"thy deeds of his deserve of us, that " his name Should be had in honour"able remembrance. But especially " they Should put us in mind of that "gracious hand of God, that by this "and many other the like inftru" ments of his goodneße, hath made " Such publick provifion for the en"couragement of Religion and "Learning, and bath given us in. "particular a hare in it."

The Authors of there Difcourfes not able to account for forme particulars infifted upon by them. Ferling a Weft-country word. The Copy of an old peace of Parchment, in which the word occurs. Fear of Deftruction made many of our
§. 14. The fe Difcourfes are rightly called curious, there being a great multitude of things in them upon excellent Subjects, and all couched in a few words. The leveral

## PREFACE.

Authors were men of a deep reach, and had Atudied our Antiquities with the utmoft Anceftors hide old MSS. under ground and in old walls. Britannia perbaps derived from Bgívor. care and diligence. And yet notwithftanding all their penetration, they could not account for fome of the particulars.Mr.cAgardobferves ${ }^{\mathbf{I}}$, that Ferling is no more than an oxgang, which is called Bovata about xv. Acres. He fubmits himSelf, however, to the correction of better judgment. The very name feems to import that it was the $4^{\text {th }}$. part. As therefore, among the Saxons, peopzing, feopsing or reopr, was the fourth part (what we call a farthing now) of a Denarius or a Pen$n y$; So ferlingus terræ was the fourth part of a bigger quantity of Land, and is expounded expreßly by x. Pag.79. some

## LXXII <br> THE PUBLISHER'S

fome to be 32. Acres, which will make it to be about the fourth part of an Hide, if we follow the opinion of thofe who make an Hide to be fix fcore Acres, which is juft an bundred Acres, according to the way of computation made ufe of by the Saxons, who reckon'd fix fcore to the hundred. But whatever the exait meafure or bignefs of aFerling was, this feems clear enough to me, that it was a Weft-country word, as even Mr. Agard bimfelf hath noted; and therefore, it may be, the beft way to find out the true expofition of it, will be to confult old Rentals and other Evidences belonging to Eftates in that Country, in which'tis probable the word may of tenoccurr. And this reminds me of an old peece of Parchment

## PREFACE.

ment that was lent me lately by my Friend the Hon ${ }^{\text {ble }}$. Benedict Leonard Calvert, of Chrift-Church in Oxford, Efq. It belongs to Somerfethbire ( for that is the meaning of Sotes in the margin) and the word Ferlingus is mention'd in it, upon which account I hall here injert a Copy of the whole.
Feoda quæ tenentur de domino Johanne Malet Milite, videlicet,
In Edyngtone
In Cofynton̄
In Chanton
In Durburgh
In Godenlegh
In Dike una carucat. terræ quam Johannes de Loueton tenuit, qux continet VIII ${ }^{\text {ma }}$. partem unius Feodi.
Item Thomas Fichet in Harnham dim. Feod, \& in Purye.
In Padenalre I. virgat. terrx, quam Petrus de Grymftede tenet.
ItemRichardusFichet inParvaSuctone dim.Feod. Sotss: Item Dominus Richardus Pikes in Suctoñ dim. virgatx terra. $\quad$ k

## xxxy THE PUBLISHER'S

Item in Suctoñ dim. virgatæ terıæ, quam Johannes Acte purie quondam tenuit. Item in Sucton̄ I.virgat. terræ, quam Johannes le Fogheler quondam tenuit. Item in Bereforde I. virgat. terræ. Item Johannes Michel i.Ferl- terræ in Sucton. ${ }^{-}$ Item Thomas Lambright dim. virgat. terræ. Item Galfridus de Forneaux i. virgat. terræ. Item Walterus Faber i. virgat. terræ, quam Johannes Doye modo tenet.
Item Reginaldus de Aqua Item Walterus Payn
Item Richardus le Tournour Willelmus de Lekefworth I. Ferl.' terre.

Summa iiii. Feod. \& dim. ii. virgat. \& dim. ii. Ferl. terr.
There is noqueltion, but there is a vaft number of Juch Parchments in private Hands, there having nit Juch a Deftruition been made of them at the beginning of the Reformation as there were of Books and Parchmentsthat wereilluminated, andbad red Letters in the Front.Such Evidences as we are fpeaking of being with.

## PREFACE.

without fuch Ornaments, efcaped the more eafily, and it was providential that they did Jo; whilft Juch as bad any Decorations were condemned to the Flames as erroneous and fuperftitious, and altogether void of what we call Solidity. Red Letters and Figures were fufficient in thofe times to intitle the Books in which they appeared to be Popifh or Diabolical, and therefore' tis no wonder that we find that there was fuch a great variety deftroyed and cut in peeces, and that in many others the Figures or Images, and the fine flouribed or gilt Letters are cut out. Some that were aware of this deplorable fate of Books took care to bave them bid under ground, or, at least, in old Walls, where lying many

Years, feveral of them receiv'd much, burt, and were almoft quite obliterated either by Damps or fome other Accidents. 'Tis to this caution, as I take it, that we are to attribute the biding of an old Parchment Book that Sir Thomas Eliot mentions. glout. xxx. peres fens, (faith he ') it yapurd in woyltipre, at Aut churlye, about. ii. myles from Satifuurp, as men degged to mafte a foumda cion, tyey foumde an holofu flone coureved wity an otyer fone, wherin they foumbe a booke, tas ung in it little aboure. xx. Leanes (ass thei faicu) ef hery thicte belime, woterin was fome tying muriten. Lizut whan it fuas fictuco to prieftes and ehanons, whity fuere there, thep coulde not. reade it. ©eduyffore after they yad toffed it from one to an otyer (by the meane fuherof it wats tome) tycy dy meglect and caft it afive. Longe after a piefe therof gaphed to tome to my gandes, fubictye not wityffanoung it wass aft
 chard phace, than chiefe Secretary to the kinges
 iopect. Lout beraufe th was partly rent, partly defaced and blourted with tueate, whirthe yad

[^11]
## PREFACE.

fallen on it, he coulde not fynde any one fentence perfect. fiot witbffanopng after longe bebologng, be fhelved me, it feemed tyat the faico boke conteyned fome auntient monument of this ple, ano that be pet, seibed this moorde Prytania, to be putte for Britania. Some bave been of opinion, that this was a Britifh Book, full of curious Things, and that it confirms what is obfervid by feveral learned men, about the Britains calling themfelves Prydians, by turning the Greek $\beta$ into a $\pi$, the Greeks calling the $I n$ habitants of this Ille Begráwss. .This is an obfervation paffed over by the . Authors of thefe Difcourfes, who have notrwithftanding divers good notes about Britain, the original of the name whereof they however differ about. Nor indeed is there any certainty in dif courfing about fuch Affairs, the original of Nations being very intricate by reafon of the

## LXXVIII <br> THE PUBLISHER'S

want of Hiftory. There is one thing, which, upon this occafion, the Antiquaries hould have obferved, and that is our CMault Liquor, calld Béutov in Atheneus. Tò dè xpínvov oivvov,
 Which being Jo, it is bumbly offered to the confideration of more judicious Perfons, whether our Britannia might not be denominated from Béurov, the whole Nation being famous for Juch fort of Drink. 'Tis true, $A$ thencus does not mention the Britains among thofe that drunk Mault drink; and the reafon is, becaufe be had not met with any Writer that bad celebrated them upon that account, whereas the others that be mentions to drink it were put down in bis Authors. Nor will it Seem a 1. Pag. 447: won-

## PREFACE.

wonder, that even thofe People be Beaks of were not called Britones from the faid Liquor, fince it was not their conftant and common drink, but was only ufed by them upon occafion, whereas it was always made use of in Britain, and it was look'd upon as peculiar to this Ifland, and other Liquors were efteem'd as forreign, and not fo agreeable to the nature of the Country. And I have fome reafon to think, that thofe few other People that drunk it abroad, did it only in imitation of the Britains, tho' we bave no Records remaining upon which to ground this opinion.
6. 15 . It is a generally re- K. सlfred not the ceiv'd notion that 不lfred Kingdomintofliries. the Great was the fir $f t$ that $\begin{gathered}\text { ath in former times } \\ \text { than now in noting }\end{gathered}$ divided

## LXXX <br> THE PUBLISHER'S

the bounds of places. The Saxons imitated the Romans in the divifion of the Country. K. Ællfred reviv'd what had been done,for which reafon, and for his being Author of a fubdivifion, the divifion into flhires is commonly afcrib'd to him. divided this Kingdom into Shires. But then it is Atrange, that the Same Jhould not be mention'd by A/ferius Menevenfis, a codval Writer, who drew up and pubii/b'd his Life,whichhathbeen printed more than once. There is nothing about this very material Affair in the MSS. made ufe of by the Publifhers. It is, therefore, likely, that he was the Author of a fubdivifion only. Perhaps be might have the bounds. . of the Counties diftinitly entered in Some particular Book, Juch a Book as Domefday. We have had fuch accounts takenfince. Even William the Conqueror's Dome Sday Book is nothing elfe but what was done in imitation of an older one made by or-

## PREFACE.

der of King CAlfred, whose book was called the Roll of Winton, and was kept at Winchefter, which is the reafon, as I take it, that fome tell' us, that William the Conqueror's (which, Ibelieve, took in $K$. Æifred's) was alfo kept at Winchefter in a House nam'd Domus Dei. And we know, that in aftertimes the bounds of Counties were many times examined, and entered in Books on purpose to tranfmit the knowledge thereof the better to $P_{0}$ Aterity. The bounds of Huntingdon and Cambridge 位es are very diAinitly accounted for in the ftrange old defaced MS about Peterborough and Ramfey Abbies, that I lately printed at theendof Thomas Sprott's Chronicle. I wilh I could meet with t. Sowes's Annas, p. 118 .

1 as

## mxxir THE PUBLISHER's

 as diftinit and exact accounts of 0 ther Counties in old MSS. Such Entries were the more requifite in thofe times, when they were not expert enough to make Mapps, and to take Draughts in the manner as is done now. Yet Ithink that, notwith/fanding the want of this skill, they were more exact, even then, than now in obferving the bounds of Counties; in order to which the Prefects, or Earls of theCounties had their Perambulations, much in the fame man-. ner as was practifed with replect to Parifhes, tho not So frequently: and at fuch times they did not negleit even the Quillets that lay in other Counties, tho' not part of them: jult as alfo the Parifhioners did not omit to Jurvey alfo in their Perambula-tions fuch Quillets as lay within, and were encompaßed by Parihhes different from their own. And that which made them the more Arit in thofe times about the bounds as well of Counties as of Parihhes, was the rigour of the Laws, which not only enjoyn'd them to take fuch care, but likewife gave them great encouragement againft fuch as prefum'd to encroach; in So much as there are pecuniary Mults in the Saxon Injunifions, whenever it was found that a Freeman had broke either another's Door or Hedge. And this was as early as the time of King Fthelbirht, among whofe Laws the Textus Roffenfis (that most famous Monument of Antiquity) mentions this: Krif fpuman eson breçe 弓cocp vi fall. ze.

$$
12 \text { beze. }
$$

xxxxy THE PUBLISHER'S
bere. Six /hillings, we See, is the Penalty, and that was a great fum in thofe Times. But then a Penalty was inflicted not only for breaking either a Door or Hedge, but even for going over a Hedge, and that was alfo pecuniary, as were alfo other Punifhments in thofe days. Hence the Jame Textus Roffenfis: Eur Fprman eson zezanger iv rcill. zebcee. It muft, indeed, be confeffed, that the fe Hedges meant here were much different from our common ones, being a fort of. Mounds or Fortifications, fuch as could not be paßed without confiderable Damage and Violence to the Owners, and ujed to be made about their Haies. But then whatever they were, they plainly hew the exactneß of thole'Times, and how ready the

## PREFACE.

the Superiors were to punifh any Tranfgreffions that arofe from Invafion: and there is no queftion, but the bounds of Provinces andParihhes were alfo to be underftood in thofe Injunctions that related to Territories. So that I/bould think, that even the munsbynor, To much Jpoke of in the Saxon Laws, are alfo to berefer'd to this Head. Since therefore there was fo much caution uSed about fecurity of Right to particular Places, methinks it is abfurd to fuppofe, that there was no fuch divifion as into Shires before the time of $K$. Alfred. Nay, what plainly determins against any fuch fuppofition, is the very mention of fome Counties or Shires even in Afferius Menevenfis, and that in Such a manner too as to make
make the Divifion before Elfred's Reign. The word Shire too occurrs in the Laws of King Ina. So that I am inclin'd to think, that as the Romans, when here, had divided the Country into particular Provinces, So the Saxons afterwards imitated them, and confirm'd what they had done, making, bowever, fome alterations, tho' not agreat many. And yet, after all, I will allow, that King Alfred reviv'd all that had been done, and brought every thing to greater perfection than kad been done before;for which reafon, aswell as for his being the Author of a fubdivifion, he hath been commonly taken to be the firft that divided this Country into Shires.
§. 16.

## PREFACE.

§. 16. Nor willit feem abfurd to any, that Alfred Jhould be look'd upon by the generality of Mankind, as the firft that divided the Kingdom into Shires, only becaule be

As he is alfo call'd by fome the firlt Founder of theUniverfity of Oxford, tho' he only reftor'd it. Stone Buildings rais'd in Oxford by the care of King Alfred. K.Edward the Confeffor's Chapel at 1llip. TheMyniter of:Affandune orAfhcontriv'd a fubdivifion, and don in Effex. renerw'd what had been brought about long before, if it be confidered, that he is alfo taken by many to be the first Founder of the Univerfity of Oxford, only becaufe be reftor'd . it after it had been deftroyed by the Danes, there having been an Univerfity (and that a flouribing one too) at that Place long before. Indeed this great King (who was endued with admir ablewifdom,rare memory, grave judgment, and Sharp forefight) performed fo much for the bene-
sxxxvin THE PUBLISHER'S benefit of this Kingdom, as made moft look upon him as another Solomon, and to attribute all the Glory that future Ages afterwards bragg'd of to his Care and Conduct. The Buildings that bad been erected before were nothing in comparifon of fuch, as he raifed; nor were the Laws about bounds of Provinces and Parifhes fo duly put in execution. He bad fuch a particular way of enforcing them, as made the feveral Offlcers that he employ'd both adore and admire him, and when they apply'd the methods he prefcrib'd, all things prov'd effectual. Even the Univerfity I have mention'd as it was reftor'd by him, fo he wifely ordered, that it Sould be govern'd for the Honour and Credit of the Kingdom, and prohibited

## PREFACE.

bibited any to infringe the Liberties and Privileges of the Scholars under the Severeft Penalties. And heretoo the bounds of the Scholars were taken notice of by bim, and as they were to be confin'd themfelves, so none were to hinder them from making a proper ufe of thofe pots of ground that were defign'd for them. This made many envy the Scholars happine $\beta$; and they were the more keen in Shewing their refentments, . by reafon of the Buildings that were now raifed in the Univerfity, which much exceeded thole deftroyed by the publick Enemy. He brought in Artifts that could work in Stone, and now therefore fome Stone Buildings appear'd in Oxford, in lieu of thofe that were before nothing but Wood.

But then thefe Stone Buildings tho' fine in thofe days, yet were nothing equal to what hath been done of that kind fince, as may appear from what remains of that Age.Nor was there any thing very perfect of that kind among us, after the Romans had deSerted us,'till the Norman Invafion. Edward the Confeffor's Chapell, a little way Northwards from IJlip Cburch, was, without doubt, looked upon in the Age, in which it was built, as very good. It is, bowever, but.. 15. yards in length, and a little above 7. in breadth, (being much fuch another as thofe mentioned in the Decrees of Pope Nicholas, who ordained, that a bigger Cburch Jhould contain in compa/s 40. Paces, $a$ Chapell,or leßer Cburch,30.Paces) and tho'

## PREFACE.

tho' it be in a fhatter'd condition now (being thatch'd, and patched, and turned into a Barn) yet we may eafily sue from a fight of it, what it was in it's greatest Perfection, and you would hardly think(did not you know the nature of tho fe Times) that fo great and good a King as Edward the Confessor, and fo virtuous and pious and beautiful a Princeßas his Queen Edgitha (who in the year 1065. built the Church of Wilton of

Stone, being before of Wood ${ }^{\text {I }}$ )ferequented this Place in order to pay their Devotions in it. We have not many Juch remains of Antiquity, and for that reason I hall here insert a Draught of it, just as I had it taken lately, to which I am likewise the more inclin'd, because it is probable,

1. Stowe's Annals, p. 97 .
m 2
that

## THE PUBLISHER'S

that in fome few years it may be quite levell'd, and not only the Figure of it forgot, but the very Place alfo where it Aood. Imoft beartily wifh, that equal care had been always takenabout Draughts of other Buildings (particularly facred ones) that were of more than ordinary note. We might then have had a much better Idea of the Spirit of our Anceftors, than' tis poffible for us to collect now either from Tradition or written Hiftory. But for many years before the Conqueft, they were not very capable of tranfmitting Draughts to Pofterity, that part of ufefull knowledge being advanc'd but a little way among our Countrymen in compariJon of what it is now. So that'tis to their ignorance, in a great meafure, that

## PREFACE.

that we owe the want of theFigures of many of their noted Buildings; among which we ought to reckon the Mynfter of Affandune, now A/bdon, in Effex, which was built ${ }^{\mathrm{I}}$ of Stone and Lime by King Cnute in the year 1020. for the Souls of thofe that were flain there in the year 1o16. in a molt bloudy Battle between K.Edmund Ironfide and himfelf, in which Edmund Ironfide was overcome through the treachery ${ }^{2}$ of Eadric Streona Earl of Mercia, and not lons after Jlain at Oxford ${ }^{3}$, a Knife, or, as others ${ }^{4}$ fay, a Spear or Spit, being thruft into bis Fundament by Eadrick's own Son (ordered and commanded to do So by bis Father,

[^12]tho' fome fay ${ }^{1}$ the Father didit himSelf) as he was eafing nature, for which, bowever, Eadrick received no better reward from Cnute (whom he thought by fuch a peece of villany to have pleafed) than to be bound band and foot, and afterwards to be thrown into the Thames and drowned, tho' others fay ${ }^{2}$ that he was bebeaded, and that his head was fet upon a Pole on the higheft Gate of London, and his body caft witbout the walls of the City. Others ${ }^{3}$ tell us, that $K$. Edmund died a natural Death; but I look upon the former to be the more true account. Horwever this be, I am not ignorant, that the Mynfer at Afandune is com-

[^13]monly interpreted to be nothing more than a Church; but for my own part I am willing to think that it was fomething befides, viz. that there was a Religious Houfe there, and a Suitable provifion made for Juch as were to celebrate the Divine Offices in behalf of thofe that were Jain. The Saxon Annals call it by no other name than Mynfter, which, I think, will confirm my notion, the meaning thereof being a Monaftery, and not a Church only. Ano on prryum zeape (they are the words of the Annals, under the year 1020.) re cyns [Lnut] fop to Arransune. $\quad$ let zymbpran pap an mynnreen of ryane J lime for pape manna raple pe pap of-clazene pxnan. 7 gree hit hy anum preoree per nam pxy Etizano. To which may be added, that it appears likewife from Leland, that there was a Monaftery alfo bere,
be reckoning ${ }^{\text {I }}$ it among the Monafteries built before the Conqueft. This Afhdon (the Church whereof is not Jo big as the Mynfter Cburch was ${ }^{2}$ ) is three miles from Saffron-W alden, and the remembrance of the Field of Battle (in which the flower ${ }^{3}$ of the EnglijhNobility was loft is retain'd to this day ${ }^{4}$, by certain fmall Hills there remaining, whence have been digged the bones of men, armour, and the water-chains of horfe-bridles.

It is very probable, that K. Ælfred built a Fort or Caftle at Oxford. The Town Ditch of Oxford, which was properly call'd Foffa candida. Thames ftreet in Oxford not pitched 'till 166 I .
§. 17 The mention of $K$ : Alfred's procuring Artifts that could build in stone, and bis encouraging Such kind of Edifices, brings to my mind

1. Coll. Vol. I. p. 25,26. 2. Nunc (ut ferunt) modica eft ecclefia, presbytero parochiano delegata. Leland's Coll. Vol. III. p. 316. 3. In bello de Affendune totus fere globus mobilitatis Angl. cafus eft, qui nullo in bello majus anquam vulnus quam ibi acceperunt. Lel. Coll.Vol.II. p. 594. 4. Speed's Chron.p. 371.

## PREFACE.

the Forts and Cafles that were built by bim, in room of thofe that bad been deftroyed by the Danes, which were made of Wood, and therefore not capable of holding out So well againft an Enemy as thofe raijed by this great King, and Such as follow'd his example. And 1 am the more reilling to touch upon this Subject, becaufe it is one of thofe that are treated of in thisCollection.Now the chief end of K. Ælfred's pains andcharges about Cafles was,partly for Ornament and partly for Defence. And tho' I do not yet find any Hiftory for it, yet I am of opinion that fome Fort wasraifed by him in Oxford, as well as inother Places. For fince that eminent Place met with fuch Difafters from the Danes,
and fince 'tis certain, that be was fo great a Friend to it, and did all that lay in bis power for it's fecurity, methinks it cannot well be fuppofed, that be Jhould leave it without a Fort. That too which countenances the conjecture is this, that in the old Arms of Oxford we have a Caftle, with a large Ditch and a Bridge, as may appear from an Heraldry Book in the Hands of my very worthy Friend Thomas Rawlinfon, Efq. which Arms I take to have been originally deriv'd from the Fort that was erected at $O \times f$ ord, before the $f a$ mous Caftle built by Robert D'Oiley the firft, a notable man that came into England with. K. William the Conqueror. But then the Caftle built by D' Oiley was much more confider-

## PREFACE.

able than the former, tho', I believe, the Mote was not broader or wider than it had been even before the Undertaking of D'Oiley.ThisOxfordCaflle in old Writings is of ten called by no other name than Mota, and I am apt to think, that the Fort, that was at Oxford before the time of D'Oiley, had no other name than Mota, which was very proper, fince it was defended with fo very large a Ditch. So that I believe D' Oiley did not make a new Ditch, but only cleanfed the former, and made it more fit for defence of the Walls of the Town, as well as for Security of the Caflle, of both which he was Founder, or ratherReftorer ${ }^{1}$, as hewas alfo Founder of the great Bridge, call $d$ GrandI. Leland's Itin. Vol. II. P. I4.
pont

## THE PUBLISHER'S

 pont ${ }^{\text {r }}$, on the South fide of Oxford. And yet in Elfred's time the Ditch might be as fit, if not fitter for defence than when it was renew'd by D'Oiley. For tho' Alfred's Building was of Stone, yet it was nothing equal to that of D'Oiley's for Atrength, the Artificers be employ'd being not fo skillful as thofe that appeared after the Conqueft: upon which account there was the more need of a very large and deep Ditch. Yet it muft be allow'd, that one end of fo large and deep a Ditch was for the fake of the Scholars. Had it not been Jo deep and wide, it would have been more noifom, and confequently bave been very prejudicial to the health of the Scholars. Being So big, and continual[^14]
## PREFACE.

care being taken to keep it clean, the water was very clear, and the freamwas pretty fwift. For which reafon it was properly called Foffa Candida, and we are inform'd that the water drove. Several Mills; among which Mills, bowever, muft not be reckon'd the Water-Mill where ${ }^{1}$ Merton-College great Quadrangle is now,which was not drove by the water of the Town Ditch, but by the water that came by a fubterraneous ${ }^{2}$ Paffage or Chanell from the Cherwell near St. Croße's, now calld Holywell, Church. But then the contrary is to be obferv'd of the Mill at North-gate. For that was

[^15]
## CII THE PUBLISHER'S

drove by the water of the Town Ditch, Some of which ran down Thames street, which was formerly a deep bollow way, and was not pitched'till the year 166 I , when the following Infcription was fixed in a certain Wall, that was made at the Same time on the North fide of the Same freet:

> THIS WALL WAS MADE AND THE WAY ES PITCHED IN THE MAYROLTY OF $S_{\text {r }}$. SAMPSON WHITE Kт. ANNO DOM. I66 1.
K. Offa had built Walls at Oxford before the time of $K$. Elfred. Arms that haveCaftles on them $2 \mathrm{argument} \mathrm{of} \mathrm{For-}$ titude. Other ufes, befides Ornament andMilitary fervice, defign'd by the Towers on the Walls of
§. 18. There is, moreover, anotherreafontobelieve, that aFort or Caflle was built at Oxford by K. Alfred, and that is this, that King Offa had

## PREFACE.

CIII
 (where he fought with the beice the The nem ins Kentib men) before bis days, which,I I fuppofe, had alfo fome fuch Fortification as might be termid a Cafle, tho' built and form'd in a different manner from the Fortifications that were afterwards erected. Which being $\int 0$, can we imagin that K. Alfred would leave Oxford ina weaker condition than it had been left by the faid K. Offa, as he certainly would, had he not made provifion for it's defence both by Walls and a Caftle? It is, therefore, highly probable, that K. Alfred alfo, befides a Caflle,raifedWalls aboutOxford, and that the Walls were made the Aronger, as well as more beautifull 1. Coll. noltr. MSS, Vol. LXXXYIII. p. 24 .
by certain Towers placed at proper diftances from each other, in imitation of the old Picts Wall built by the Romans, in which there were fuch Bulwarks. So as even the Walls themfelves reprefented, as it were, So many Caftles, for which reafon the Figures of ancient Caftles in Arms, are ufually made to refemble the Battlements of Walls, as mayappear fromthe Arms of ${ }^{\text { Oldcaflle and }}$ Samp fon,which perfectly agreewith the Figures of the old Roman Caftra on Coyns, as well as with fuch Roman Walls as are now exftant. Arms with Juch. Figures are certainly honour able, as betokening that thofe, to whom they were firft given, were Perfons of wery great Forti-

[^16]tude,

## PREFACE.

tude, having fcal'dandbroke through thick and Arong walls, and been victorious over a powerfull Enemy. Nor can any one deny, that wherever Caflles are Seen in Arms they denote Valour and Strength; in the Same manner as the Pictures of St.George and the Dragon fignifie Cour age likewife, and are therefore feen in Some old Halls, particularly in the old Hallof Beffels-leigh,or Bleßels-leigh House, near cAbbington in BerkMire, the Martial skill of the Beffills, or Bleffels, being defigned by it, as it was by many other Monuments, preferv'd, in Mr. Leland's time ${ }^{\mathrm{I}}$, at that Place. The Arms therefore of the Town of Pontefratt are very properly reprefented by the Figure 1. Leland's Itin. Vol. VII. p. 6 I.
of a very firong and almoft impregnable Caftle, agreeable to the nature of that Place, as we find in Antiquity. From Juch kind of Arms we may Jometimes difcover the Arengthof one Caflle above another. So Pontefract appears from the Arms (for it is now demolifhed ${ }^{\text { }}$ ) and the valuable Picture of it in the Afhmolean MuSeum, to bave been fronger than even Totnefs, the Devizes, Exeter, Bareftable, Windfor, Calne, Nor-

[^17]
## wich,

## PREFACE.

wich, and Several others, tho' lefs Arong than Oxford. For the Same reafon the Arms of Cbaftlet orChaftley have Forts, nothing near So confiderable as thofe Arms that are denoted by Caftles. But after all it muft be noted, that the Towers on the Walls of Oxford were added by K. Elfred, not only for Military Service, but likewife for other Bpecial ujes, as they were afterwards alfo by D' Oiley. Upon this account I meet with in writings relating to Oxford a Turret,on the Walls,call'd the Mayden Chamber,being fuppofedto have been a Prifon or House of Correction for fcandalous Women: ${ }^{1}$ le mayden Chambre in turri muri Oxon. \& forfan prifona

1. Coll. noftr. MSS. Vol, LXXXVIll. p. 12.

02
mu- Prifon called formerly Bochord, and now Bocardo, is thought by feveral, from the fignification of the word ${ }^{\mathrm{r}}$, to bave been anciently a Library; but I will fußpend my own judgment, as to this particular, 'till I meet with Some Confirmation. I cannot, bowever, but think, that $K$. Alfred (who ordeyned common Scholes of dyvers Scyences in Oxford ${ }^{2}$ ) inftituted a Library at Oxford for the uSe of the common. Students; and 'tis not unlikely but it might be by the Walls, and either at, or not very far from the fame Place where the Divinity School,

1. Somner's Saxon Dict. in the word Bochono, and Mr. Wood's Hift. © Antiq. Univ. Oxon. Vol. 1. p.8. 2. "In the "Chronicle of Brute of England, in Bibl. Bodl. inter Codd. "Hatton. at the bottom of the Page of which are put many "Notes by a later Hand." So in Coll. noftr. MSS. Vol.XLVII. p. 48 .

## PREFACE.

and a famous Library over it were afterwards erected by feveralBenefactors, and nat (as is commonly reckon'd) wholly by DukeHumphrey, as Billiop Godwin ${ }^{1}$ bath well obferved, and mas be more fully feen in the Appendix " to this work. And where Juch Buildings on or at the Walls were placed, it is likely they were diftinguifhed by more than ordinaryTowers and Pinnacles, as a fign that they were intended for - Some other uSe than the common Walls. Withall it is likely, that in Some of the Towers there were Bells, bung there on purpole to give warning when there were Hoftilities; and there was the greater reafon to prevent Juch Dangers, becaufe of the I. De Præf. p. 248. Ed. Lat. 2. Num. VIII, IX.

## THE PUBLISHER'S

great charge at Oxford that the Governours had upon account of thofe committed to their Education. Nor can any one think, that Elfred was backward inthis point of Difcipline, or that he neglected evenBells, when he knew the Pagans were afraid of them, as believing that there was an extraordinary Virtue in them. Nor were fuch Bells placed only in Some of the common Towers of the Walls, but in Several Chapells that were alfo by the Walls, that they might be of ufe to fuch as were obliged, by virtue of their Office, to refide at the Walls. But that which made Bells the more terrible to the Pagans was that they had, generally, fuch names given them as carried awe with, them, and whereas feveral loßes

## PREFACE.

bad of ten happened to fuch as spoiled Cburches and Cbapells, and frequently alfo to thofe that did injury to confecrated Bells, (which were formerly, as well as fince, of tentimes, tho' very unjufly, claimid by the prevailing Enemy, upon furrender of Towns, as their own ${ }^{1}$ ) they were eafly induced to believe, that there was a very great power in Bells, a thing which was likerwife believed even after our whole Ifland became .Chriftian, whence' tis, that many fories are reported of the fix famous Bells of Ofney, whofe names were ${ }^{2}$ Douce, Clement, Aufin, Hautecter (or Hautcleri) Gabriel and Yohn.

[^18]§. 19.

The Publifher defairs of getting a perfect Lift of all the Members of the Sopiety of Antiquaries. It is as difficult alpo to procure all the Differtations drawn up by them. The great diligence of Mr. Francis Tate. An account of Collection made by him upon feveral curious Subjects in a MS. in the hands of John Antis, Eq.

『. is. The learned Dr. Thomas Smith, in bis Life of Sir Robert Cotton, hath ' given us a Lift of Some of the Members of the Society of Antiquaries; towhichothers might be added, as Mr. Boruyer, Mr. Cliff, Mr. Walter Cope, Mr. Erdfwicke, Mr. Savel of the Middle Temple, $\mathrm{M}_{1}$ r. Strangeman, and Mi. Wireman. But 1 despair of getting a perfect Catalogue of those eminent and excellent Men, Several of their name's having been induftriouly concealed since the Dissolution of the Society. I look upon it alSo to be as impoffible to procure all the Dijertations that were drawn up by them. There were certainly a great many befides thole I. P. ViII. that

## PREFACE.

that Dr. Smith collected. But then the fe having not come to my hands, $I$ will leave it to the Poßeffors of them (whoever they may be) to account for them. Yet I cannot but here take notice, that one of the moot affiduous of thole Antiquaries was Mr. Tate. For tho' there be only one Discourse of his in this Collection, yet be seems to have written many more. For my Friend John Anfis, Esq. a truly learned Antiquary and Herald,bath .lent me a $4^{\text {to }}$. MS. written by $M r$. Tate's own band, in which there are abundance of Collections relating to many Heads in our Antiquities.' Wis true, they are only bare Collections, and put into no methodical order. However, Since an unusual industry appears in gathering the Pafages

$$
\mathrm{p} \quad \operatorname{tog} e_{-}
$$

together, and fince they are upon fuch curious Subjects, I cannot but think that he methodiz'd fome, if not all, of them, and afterwards offered accurate Difcourses to the Society at their Meetings, whatever Fate they may bave fuffered fince. But a better judgment will be made of Mr. Tate's diligence in thefe Affairs from a Lift of the Heads in Mr. Anftis's MS. Upon which account I hall bere annex it.
1.Of the Antiquity ofSeales \&c. 1I. Of what Antiquity the name of Dux or Duke is in England, and what is the eftate thereof? 27.Nov.1590. The fame queftion wasagaine propofed 25 .No. 1598. III. What is the Antiquitye and expofition of the word Sterlin-
PREFACE.
gorum or Sterling? 27. Novembris 1590.
iv. Of thantiquity of Marqueffes in England, the manner of their Creation and fignification of their name. i i. Febr. 1590.
v. Of Earles and their antiquity here in Englande.
vi. Of thoriginal of feling here in England with armes or otherwife. 2 3. Funii 33.Eliz.1591. .vir. Of thantiquity of Vifcounts here in England, their manner of creation, and other matter concerning Vifcounts. 2 3. Funii 33. Eliz.
viri. Of the antiquity, dignity and priviledges of Barons here in England, and fignification

$$
\mathrm{p}_{2} \text { of }
$$

## THE PUBLISHER'S

 of the name. 25. Novembris 34 . Eliz 1591.ix. Of the antiquity and diverfity of Tenures here in England. 25. die Novemb. 1591. 34. Eliz.
x. Of the Antiquity and Diverfity of Knightes.6.Maii 1592.
xı. Of th' Antiquity, dignityand Priviledges of Serjants at the Lawe. 12. Febr. 1593. The Collections upon this Head are contain'din two Pages. Then follows, this Title, Th' antiquity of Serjants at armes. But there is not fo much as a wordobservid about it, oinly four Pages are left blank to contain Collections.
xir. Of the fignification and \&timology of the name of Efquier, and

## PREFACE.

and of the antiquity and priviledge of them. I 1 . Maii I 594 . xiII. The antiquity, etymoligy and privileges of the Gentility of England. 19 . Junii 1594 . xiv. Of the Ætimology, Original, erection and jurifdiction of County Palentines in Englande. 27. Nowembris 37.Eliz. 1594.
xv.Of the Ætimology and Antiquity of Honors and Manners. 27. Novemb. 1594. After the Collections upon this Head, follows this Title, Which is the moft auntient Court for the miniftring of Juftice univerfally within the Realme. 29. Maii 1595. Four blank Pages are left for Collections, but there is not a word written about it. xV.
xvi. The antiquity and priviledges of Sanctuary within the Realme.
xvir. Of th' antiquiti of armes here inEnglande. 2. Nov.Mich. 40. Eliz. 1598.
xvir. Of the Etimology, Antiquity and Priviledges of Cittyes in England,and what fhal be called a Citty. 9. Febr. 1598. 41. Eliz.
xix. The etimology, antiquity, dignity and priviledges of Ca -, ftels here in Englande.i6.Maii 1599.41. Eliz.
xx . Of the etimology, antiquity and priviliges of Townes in Englande. 23. Junii Trin. 41. Eliz. 1599.
xxi . Of the antiquity, etimology
and priviledges of Parifhes in Englande. 2.Nov.41.Eliz.1599. xxir. Of th'antiquity, etimologi and variety of Dimenfions of lande in Englande. 23. No. I599.
xxiII. Of th'antiquity, fervices and duties appertaining to a Knights fee. 9. Febr. 1 599.42. Eliz.
xxiv. Of thantiquity, variety and ceremonyes of Funeralsin Englande. 30. Aprilis 1600.42 . Eliz.
xxv. Of thantiquity and variety of Tombes and Monuments in England, of perfons deceafed. 7. Funii 1600 .
xxvi. The antiquity and felected variety of Epitaphes. 3.No- ed variety of Mots under armes, and the refon therof. 28. No. 43. Eliz. 1600.
xxviII. The antiquity, ufe and ceremonies of lawful combattes in Englande. 13. Febr. 1600. 43. Eliz. Memorand. by refon of the trobles firred by the erle of Eßex, this day of meating held not, but a new day appointed the next Terme 22. Maii 1601 , 43. Eliz.

Mr. Tate very well verfed in Domefday Book. His explication of the abbreviated words in that $\underset{\substack{\text { ard } \\ \text { and words in that } \\ \text { aill } \\ \text { Domemidion of }}}{\text { Dis }}$ Julted the beft Books in order all Domefday is much defired.
§. 20. Thefe are allnoble Subjects, and Mr. Tate conto write the more accurately about them. ©As he was a great Lawyer as well as Antiquary, vir

## PREFACE.

multijugæ eruditionis \& vetuftatis peritiffimus, faith Mr. Selden in bis Preface to Hengham, and of exquifite skill in the Saxon Language, To be frequently cites the ancient Laws, Year Books, and Records; but then what occurrs in this Volume being only Collections, as I bave binted above, I have judg'd it more proper to fuppreß than to publifh them, tho at the Same time it muft be allow'd, that they will be of extraordinary ufe to Juch as Shall engage hereafter to write upon any one of them. Among other Books of Antiquity, that Mr. Tate was well verfed in, muft not be forgotten that noted one, commonly called Domefday Book. This he perufed over andover, and extracted many things

## CXXII <br> THE PUBLISHER'S

from it; and to render it the more intelligible to others, he explain'd the abbreviated words in it. Copies of this Explication are in many hands, and I have entered one in my own Collections ', which I fhall fubjoyn in this Place, as a thing altogether agreeable to my prefent defign. BeJides which Explication, be wrote likewife another thing relating to Domedday, which Jupplyd the defects of the former, and that was, Expofitio verborum difficiliorum, in lib. de Domefday. But this is aSubject that Ileave to be difcour $\int e d$ of by thofe, that have an opportunity of infpecting and perufing this moft venerable Monument of Antiquity, which I bave often wighed were

1. Vol. LXXXVIII. p. 54 .
printed

Verba abbreviata in libro de Domesday．
dc．Acra．$^{\text {．}}$
B！Berguica．
bord．Bordarii cap．Carucata． e．eft．
ee．ense．
7 §．\＆c．et．
$g^{\circ}$ ergo．
七．hic hæc hoo． hundredum． halla capitatis． t．haula domus Manerii．
ち b ．habebat．
11.2000.
$\bar{\zeta}$ ．longitudine． lar？latitudo．
t．vel．
$\bar{\cdots}$ ．manerium．
$\mathrm{m}^{\circ}$ ．modo．
nc．nunc．
$\bar{n}$ ．non．
N．ut．
Ou．oves．
E才o．quando Qdo．
qdo．quando．
$3^{7}$ d．quod．
$\frac{9}{2} \sum^{\pi}$ quarentena．
$\stackrel{\rightharpoonup}{2}$ ．pratum．
2 pre．
pr．runt．
punc．＇runcinus．
S．loca．
$\int_{\text {cufl }}$ lanctus．
3.1 ed ．
fcanziū，efcambium £ $\bar{c}$ ．tunc．
T．R．E．tempore regis
Edw．［Confe［s．］
$\mathcal{E}$ u $\partial$ tantun $=$
dem．
Eam．tamen．
uilli．villani
iiv．vero．
$v$ virgata．
$X X X$ triginta．
BX．Regis．

## PREFACE.

printed intively, there being no Sur. vey of any other Country what foever equal to it. The ancient Roman Itineraries bawe been always valued. And that defervedly. Yet they are trifles in comparifon of this moft admirable Survey, done with fuch an Exactnefs, and fo muchDiligence, as would be bardly credible, were it not certain, that the Normans were refolv'd to make the beft use of their Conqueft, and to Secure every inch of ground to themselves. There are accounts of fome whole Counties printed from this Book, and they are very good Specimens of the intive Work, and cannot but make thofe that are in love with our Antiquities, the more earneflly to defire all of it. But, it may be, there are private confideq2 rations

## CXXIV <br> THE PUBLISHER'S

rations which may binder an Edition, as indeed it ton often bappens, that the publick Intereft of Learning fuffers by reafon of private Concerns.

The Ancients had
§. 21. We learn from the $\underset{\substack{\text { cererinin Ganess } \\ \text { cxecicic their Cout }}}{ }$ foregoing Lifl:that Mr.Tate rage. Tournaments the fame with the ancient Pyrrbica. Troja and Pyrrbica not different. collected Materials about Combats. Whichwhen 1 fir $t$ Saw,Iex/pected Several particulars about Tournaments. But I was very much difappointed. Nor hath the Collector, on that occafion, hadrecourfe to theGreek andRoman Authors. I have faid many things about Tournaments in my Preface to Guilielmus Neubrigenfis, which I will not repeat here. I will, bowever, take this opportunity of remarking, that although the An-

## PREFACE.

cients had Devifes and Engines to throw Darts and Favelins to annoy their Enemies a far off, yet they had no Gunns (for what fome pretend to prove from Philofiratus is no more than fiction) but fought it out, man to man, with down right blows,joyning foot to foot and hand to band: and among them alfo, they bad 'fundry Sorts of publick Exercifes and Games for Wagers, especially thefe five: Wrefting; Hurling a Coyte who could hurl it fartheft or higheft; Running or Leaping; Combating with leathern bags having Plummets hanging at the ends thereof; Barriers and Tournaments on Hor Se-back: allwhich are mention'd

[^19]by Homer, as well as by Virgil and Paufanias. To which the Romans afterwards added another, which. was, fighting withShips on theWater. This was exhibited and kept in a Solemn manner, efpecially in the Reign of Augutus Cafar, the better to preferve the remembrance of bis noble victory at Actium, and the Shew thereof was on the River Tyber. Thefe Exercifes were to promote Courage and Military Dijcipline. This was the end likewife of the Taverorará $\psi$ с. Afterwards another kind of warlike Exercife ons Hor Seback was added, namely the Pyrrhica ${ }^{\text { }}$, which others termed Troy, and it was accuftomed to be openly Shewed in the ufual Field of

1. Pol. Vergil. de inv. Rer. I. II. c. 13.

## PREFACE.

exercife, called Campus Martius. This was no other than what our Anceftors called properly Tournaments, which word fome ${ }^{1}$ will have to be originally Trojamenta. There was no abfurdity in the word Troy. That People was fo famous, that others thought it great Honour to be derived from them. There was likewife an Emulation among brave men to equal them in their Military Acts. Hence the names of the brave , Heroes of thofe times have been made ufe of to diftinguifh men of Cousage. Nay and the very form of the City of Troy was thought to bave a peculiar virtue in it, in Jo much, that even the common Shepherds pretend to keep it up in the common Fields.

1. Hofpinian de origine Feftor. p. 152. Tig. 1592. tol.

## cxxviir THE PUBLISHER'S

But bowever this be, there can be no doubt, I think, that the Exrercife call'd Troy was fonam'd from that Place. Wirgil ${ }^{\mathrm{I}}$ is expreß Authority: Hunc morem curfus, atq; hæc certamina primus Afcanius longam muris cum cingeret Albam Rettulit : \& prifcos docuit celebrare Latinos.
And prefently after,
Trojaque nunc pueri Trojanum dicitur agmen. I am very fenfible, that fome make Troja and Pyrrhica to be different Games, fo that, according to them, Pyrrhica was exercifed on foot. But Serviuswas of a quite different opinion, and be cites Suetonius to confirm it. UtaitSueto. Tranquillus, ludus ipfe, quem vulgo Pyrrhicam appellant, Troja vocatur, cujus originem expreflit in li.de puerorum lufibus. He could not 1. Æn. I. V.

## PREFACE.

have produced a better Authority than Suetonius, who in his work de puerorum lufibus (which is now loft) bad treated expreßly and fully about this Subject, and I do not queAtion, but he bad toucht upon it likewife in his Hiftoria ludicra, the firt Book whereof is mentioned by Aulus Gellius ${ }^{\text {r }}$, and, perhaps,what
 Bribiov $\alpha^{\prime}$, was only part of it. Suetonius feems alfo to bave faid fomething upon the Same Subject in bis


 there is mention in Suidas, who, with)all, Beaks of a Book of his written againfl Didymus about proper
names, Cloaths, Shoes, and other Habili-


 And, it may be, this laft was the Same with what Servius calls ${ }^{1}$ de genere veftium. But tho' Suidas gives us Greek titles, yet it muft not be thence inferr'd, that Suetonius writ in that Language ; it being cuAomary with him to do Jo when he Jeaks of other Roman Writers. Nor was it ufual with the Greek Authors to give Latin titles, however writ in that Lansuage. I am apt to think, that in the W ork where the Habits were treated of, exprefs notice was taken of the Habits of the Youth that uSed to exercife in 1. In VIII. KEneid.

## PREFACE.

the Troja or Pyrrhic, the Captain of which, who used to be the Son eithe of an Emperour or Senator, was filled Princess juventutis, a title which frequently occurs on the ITperial Cons.
§.22. Mr. Tate was verfed not only in our Fig lifo the British Aniquithe Britifh Antiqui-
ties. His acquaintnance with Mr.Jones, Antiquities, but in tho fe likewife which are purely Bria Man of excellent learning. This work is indebted to the learned Mr. Bridges. tiff, for whichreafon he held $\begin{gathered}\text { Tito Dircourres. in } \\ \text { if from the Publihl- }\end{gathered}$ a Correspondence with Mr er's own Collectia Correspondence with Mr. ins. Jones, a Gentleman of admirable knowledge in that part of Learning, and was alfo a very eminent Lawyer, and wrote a Book of Laws. 'Twas to this PerSon that Mr. Tate communicated his thoughts, and when he had any questions to be folv'd about the British Affairs, he always

$$
\mathrm{r}_{2} \quad a p-
$$ ceiv'dready and pertinent An/wers. The moft material of thoJeQueftions and Anfwers are now remaining. And, for better Satisfaction to the Reader, I have publifhed them, from a Tranfcript communicated to me by my learned Friend Fohn Bridges, Efq. at the end of Dr. Smith's Collection, which concludes with Mr. Camden's Difcourse about Barons. After thefe Queftions and Anfwers I have added, from my own Collections, Mr.Thynne's andSir . Fobn Dodderidge's Difcour les about Heralds, both which I find to agree with the Copies that are prefervidin Mr . Ahhmole's Mufeum.

ThePublither's care not ro vary
trom his iISS.
§. 23. I have nothing more to Say at prefent, but to forewarn the read-

## PREFACE.

er to take notice, that I bave all along followed the $\mathcal{M S S}$. I have made ufe of. So that whenever there appears any Defect or Errour,whether in the Orthography or the Sentence, he muft remember, that the fame occurrs alfo in the MSS. it being a Principle with me not to alter MSS. even where better and more proper Readings are very plain and obvious. For I have often known, that that hath prov'd to be the true Reading which bath been rejected. Zeta for Diæta appears in MSS. Velferus Shews that it is a very good one. So we have Zabulus for Diabolus in oldWritings; and fuch as illuftrate the Ecclefiaftical Authors Shew, that tis no Corruption. That Parifius occurrs inall cafes is provid

## cxxxiv THE PUBLISHER'S \&c.

prov'd by Brian Twyne. There are many Inftances of the fame nature. I would not, however, from bence have it believ'd, that I am for defending Corruptions. I am only for Fidelity. I would therefore retain incensa batavorum classa in reprefenting the Infcription on a famous Medal of Lewis the $\mathrm{xiv}^{\text {th }}$. tho CLASsi be the true word.

Edmund-Hall Oxon.
March 26. 1720.

## SUBSCRIBERS To this Work.

NB. An Afterisk is put before thofe that fubfcrib'd for Royal Paper, a Dagger after thofe that fubfcrib'd for feveral Copies.
THomas Allen, M. A. Rector of Murfton and Kingfdown in Kent. $\dagger$
John Anftis,Efq;Garter-principal King of Arms.

* Richard Arundell, Efq.
* Thomas Bacon, alias Sclater, of Catley near Linton in Cambridgefhire, Efq.
Thomas Baker, B.D. of St. John's-Coll. Cambr.
Charles Battely, Efq.
* Mr. Oliver Battely, Student of Chrift-Church Oxon.
Hilkiah Bedford, M. A.
, John Baptift Belling, of Winchefter, Efq.
* John Blackbourne, M. A. $\dagger$

Thomas Bold, Efq. Student of Chrift-Church Oxon.

* Roger Bourchier, M.A. Fellow of WorcefterCollege Oxon.
James Bramfton,M.A.Student of Chrift-Church Oxon.
* Charles Brent, M.A. Student of Chrift-Church Oxon.and Rector of Heathorp in Oxford/hire.
* John Bridges, of Barton near Kettering in Northamptonfhire, Efq. Fellow of the Royal Society.

Nathaniel Bridges, M. A. Rector of Orlingbury in Northamptonfhire.

* Ralph Bridges, M. A. Vicar of Southweald in Effex, and formerly Chaplain to the Right Rev. Father in God Henry (Compton) Ld. Bifhop of London.
* William Brome, of Ewithington near Hercford, Gent.
William Bromley (Junior) Efq. GentlemanCommoner of Chrift-Church Oxon.
* Charles Burd, Gent.
* Robert Burd, M. B. Fellow of WorcefterColl. Oxon.
Edward Burton, of the Middle-Temple, Efq.
* The Honourable Benedict Leonard Calvert, of Chrift-Church Oxon. Efq. $\dagger$
John Campbell, of Calder, Efy.
* Thomas Cartwright, of Aynoe in Northamptonhire, Efq.
* His Grace James (Bridges) Duke of Chandois.'
* John Chicheley, of the Middle-Temple, Efq.
*The Rt.Honourable the Earl of Cholmondley.
Robert Cholmondley, of Holford in Chefhire, Efq.
*'The Honble. George Clarke, Efq. LL.D.Member of Parliament for the Univerfity of Oxford, and Fellow of All-Souls-College in the fame Univerfity.
* Walter Clavell, of the Inner-Temple, Efq. Fellow of the Royal Society.
* John
* John Cotton, Efq.
* Thomas Crowe, of London, M. D.
* The Rt.Reverend Father in God Adam (Ottley) Lord Bp. of St. David's.
* Ralph Davifon, of London, Gent.

Thomas Deacon, of London, Prieft.
Henry Difton, Efq.
Mrs. Anne Dodwell, of Shottesbrooke in Berks.

* The Honourable Brigadier James Dormer.

The Reverend Mr. Pat. Dujon, Vicar of Doncafter.
Richard Dyer,M.A.Fellow of Oriel-Coll.Oxon.

* The Right Reverend Father in God William (Fleetwood) Ld. Bifhop of Ely. $\dagger$
Edward Emes, M.A. Fellow of St. Mary Mag-dalen-Coll. Oxon.
Charles Eyfton, of Eaft-Hendred in Berks, Efq. John Fenwick, Efq. Fellow-Commoner of St. John's-College Camb.
* Richard Foley, Efq. Prothonotary of the Common Pleas.
The Rt. Honble. Thomas Ld. Foley, Baron Foley, of Kidderminfter in Worcefterfhire.
* Sir Andrew Fountaine, Knight.
* John Freind, M. D. F. R. S.

Richard Frewin, M. D.
Thomas Frewin, of Lincoln's-Inn, Efq.
Richard Furney, of Gloucefter, M. A.
Roger Gale, Efq. F. R. S.
Samuel Gale, Gent.

The Reverend Mr. Thomas Gibfon of Queen'sColl. Oxon.
Thomas Girdler,D.D. Fellow of Wadham-Coll. Oxon.

* Thomas Goodman, M. D. Phyfician in ordinary to his Majefty.
* Thomas Granger, of London, Gent.

Richard Graves, of Mickleton near Campden in Gloucefterfhire, Efq.

* Edward Green, Gent. Chirurgeon to St. Bartholomew's Hofpital London.
Henry Gregory,M.A. Student of Chrift-Church Oxon.
John Griffin, of Sarefden in Oxfordfhire, M.A.
* The Right Honble. Francis (North) Lord Guilford.
* Col. Guyfe.
* The Honble. Francis Gwyn, of Ford-Abbey in Devonfhire, Efq.
* Francis Gwyn, Gentleman-Commoner of Chrift-Church Oxon.
Fletcher Gyles, of Holbourne, Bookfeller. $\dagger$
Richard Hale, M. D. Phyfician to Bethleem and Bridewell Hofpitals.
Anthony Hall, MI. A. Fellow of Queen's-Coll. Oxon.
Henry Hall, M. A.
* John Hannam, of London, Gent.

George Harbin, M. A. $\dagger$

* Philip Harcourt, Efq. Gentleman-Commoncr of Worcefter-College Oxon.
*The
* The Right Honourable Simon Ld. Harcourt, Baron Harcourt of Stanton Harcourt in the County of Oxford.
* The Rt. Honourable Edward LordHarley. $\dagger$
* Edward Harley, Efq. Gentleman-Commoner of Chrift-Church, Oxon.
John Harrifon,M.A.Chaplain of Chrift-Church, and Vicar of St. Mary Magdalen Parifh, in Oxford.
John Harwood, LL. D. of Doctors Commons and F. R.S.
Chriftopher Haflam, M. A. Student of ChriftChurch, Oxon.
Samuel Hawes, M. A.
Thomas Hinton, M. A. Rector of Lalham in Hampfhire.
* William Hollwell,Efq. Gent. Comm. of ChriftChurch Oxon. $\dagger$
George Holmes, Gent. Deputy-Kecper of the Records in the Tower.
Charles Hornby, of the Pipe-Office, Efq.
Thomas Houfton, Gentlcman-Commoner of Chrift-Church Oxon.
Jof. Hunt, M. A. Fellow of Balliol-Coll.Oxon. Mr. George James, Printer in London.
Robert Jenkin, D.D. Mafter of St. John's-Coll. and Margaret Profeffor of Divinity in the Univerfity of Cambridge.
James Jennings, of Shiplake in Oxfordfhire,Efq.
*Thomas Jett, Efq. F. R. S.
Willian

William and John Innys, of London, Bookfellers. $\dagger$
John Jones, of Chrift-Church Oxon. Efq.

* Charles Joy, of London, Merchant.
* James Joy, of London, Gent. $\dagger$
* Robert Keylway, of Lond. Gent. Chirurgeon to St. Bartholomew's Hofpital.
* William King, LL. D. Principal of St. MaryHall Oxon.
Gilbert Lake, B. D. Vicar of Chippenham in Wilts.
Thomas Lamprey, M. A. Chaplain of ChriftChurch Oxon.
William Le Hunt, M. A. Student of ChriftChurch Oxon.
* Henry Levett, M.D. Phyfician to Sutton and St. Bartholomew's Hofpitals London.
J. Lewis, of Margate in Kent, M. A.

William Lewis Legrand, of Maiden Early in Berks, Efq.

* The Right Honourable Gcorge (Lee) Earl of Litchfield.
Haftings Lloyd, M. A. of Chrift-Church Oxon.
Mr. Lock of Queen's-College Oxon.
Francis Lutterell, of the Middle-Temple, Efq.
* Charles Lyddell, Gentleman-Com. of ChriftChurch Oxon.
* Richard Lyddell, Efq.
* John Markham, Gent. Apothecary to the Chater-Houfe.

William Mafter, of $\mathrm{S}^{\mathrm{t}}$. Paul's Covent-Garden Lond. Efq.

* Richard Mead, M. D. F.R.S. $\dagger$
* Samuel Mead, Efq. $\dagger$

Dr.John Burchard Menckenius, Counfellor and Hiftoriographer to the K. of Poland.
John Merik, Efq.

* Robert Middleton, of Chirke Caftle, Efq.

Charles Mordaunt, Efq. $\dagger$

* Richard Moftyn, of Penbedw, Efq.
* Sir Roger Moftyn, Baronet.

John Murray, of London, Gent.
*The Rt. Honourable George (Cholmondley) Lord Newburgh.

* His Grace Thomas Holles (Pelham) Duke of Newcaftle.
* Thomas Newey, D.D.

John Nicoll, M. A. Student of Chrift-Church Oxon. and fecond Mafter of Weftminfter School.

* The Rt. Honourable Robert (Harley) Earl of Oxford and Earl Mortimer.
* Samuel Palmer (of the Lock Hofpital belonging to St. Bartholomew's Hofpital) Gent.
Samuel Palmer, M.A. Student of Chrift-Church Oxon.
* Thomas Palmer, of Fairfield near Bridgewater, Efq.
Robert Pearfe, M. A. Vice-Principal of Ed-mund-Hall Oxon.
* The Rt. Honourable Thomas (Herbert) Earl of Pembroke.
* Thomas Peftell, of London, Gent.
* Walter Pluminer, Efq.

Matthew Prior, Efq.
John Radcliffe, M. A. of St. John's-College Oxon.
Chriftopher Rawlinfon, of Carke-Hall in Lancafhire, Efq.

* Conftantine Rawlinfon, Gent.
* Richard Rawlinfon, LL.D. of St. John's-Coll. Oxon. and F. R.S. $\dagger$
* Tempeft Rawlinfon, of Lond. Gent.
* Thomas Rawlinfon, Efq. F. R. S. $\dagger$
* William Rawlinfon, of Lond. Gent.

Richard Raynes, LL. D. Chancellour of the Diocefs of Litchfield.
Sir Robert Rich, of Sunning in Berks, Baronet. Efcott Richards, M. A. Vicar of St. Decuman's, in Somerfethire.
James Richardfon, M.A. Mafter of Blackheath School in Kent.
Richard Richardfon, of North-Bicrly in Yorkfhire, M. D.
*Mr. Thomas Richardfon, of Lond.
The Rt. Reverend Father in God, Francis (Atterbury) Ld. Bifhop of Rochefter, and Dean of Weftminfter.
John Ruffell, M. A. Fellow of Mcrton-Coil. Oxon. $\dagger$

* Sir Thomas Sebright, Baronet. $\dagger$
* Robert Shippen, D. D. Vice-Chancellour of the Univerfity of Oxford, and Principal of Brazen-Nofe-College.
Matthew Skinner, of Lincoln's-Inn, Efq. Student of Chrift-Church Oxon.
Sir Hans Sloane, Baronet, Fellow of the College of Phyficians and of the Royal Society. $\dagger$
George Smith, of the Middle-Temple, Gent.
Sir John Stanly, Baronet.
Lewis Stephens, M. A.
*William Stratford, D.D. Archdeacon of Richmond and Canon of Chritt-Church Oxon.
* The Rt. Honourable Charles (Spencer) Earl of Sunderland.
* Sir Philip Sydenham, of Brimpton D' Evercy in Somerfethire, Baronet. $\dagger$
Brook Taylor, of Doctors Commons London, LL. D. Fellow of the Royal Society.
Lewis Thomas, of London, Merchant.
* Timothy Thomas, M. A. Student of ChriftChurch Oxon.
William Thomas, Efq.
* The Honourable Mrs. Thynne.

Richard Topham, of Windfore, Efq.

* Harry Trelawny, Efq.
* William Trumbull, of Eaft-Hamftead Park in Berkflire, Efq.
The Reverend Mr. Thomas Wagftaffe.
* James Walwyn, of Longworth in Herefordfhire, Efq.

Anthony Wefcombe, Efq.
John White, M. A. Student of Chrift-Church Oxon.

* John Whitefide, M. A. Keeper of the Afhmolean Muféum, and F.R. S. $\dagger$
Browne Willis, of Whaddon-Hall in Buckinghamihire, Efq.
* The Right Reverend Father in God (Sir) Jonathan (Trelawny Baronet) Ld. Bifhop of Winchefter.
* John Woodward, M. D. Fellow of the Royal Society, and Profeffor of Phyfick in GrefhamCollege London. $\dagger$
* Hugh Wrottefley, of Lincoln's-Inn London, Efq.


## [ 1 ]



THE

## ANTIQUITY <br> OF THE

## Lawes of this Ifland,

By W. Hakewile.


HE Antiquity of lawes may be confidered, either in refpect of the ancient grounds, from whence they have been derived, or from the long time, during which they have been ufed within the fame ftate or kingdom, of which the queftion is put. In both which refpects although perhaps the lawes of this Inland may juftly be compared with any other in the Churtian world, as firf in regard of their long continuance within this land, but efpecially for that they agree with
the written law of God, the law of primary reafon, and the old laws of Greece (of all lawes humane the moft ancient) in very many points, and thofe alfo, wherein they differ from the laws of other nations; yet becaufe the meaning of the queftion in hand doth (as I conceive it) more properly bind me to fay my opinion touching their continuance within this Ifland, bending myfelf only thercunto, I will purpofely omit that other point of their derivation. And herein I will labour rather to find out the fimple and plain truth, than feek to maintain any opinion heretofore conceived touching their very great antiquity; howfoever perhaps it may pretend more honor to our nation. Fortefcue, Chancellour of England, in the dayes of H. $\sigma$. in his treatife in praife of the lawes of England, touching this matter hath thefe words; Regnum Anglice primo per Britannos inbabitatum eft, deinde per Romanos regulatum, iterumque per Britannos, ac deinde per Saxones poffeffum, qui nomen ejus ex Britannia in Anglia mutaverunt; ex tunc per Dacos idem regnum parumper a'ominatum eft, © iterum per Saxones, fed finaliter per Normannos, quorum propago regnum illud obtinct in prafenti. Et in omnibus nationum harum © Regum carum temporibus regnum iüud iifdem, quibus jam regitur, confuetudinibus contimue regulatum eft. For which opinion of his, becaufe I fee no other proof, than epfe dixit, tho

## Laws of this I/land.

tho' indeed the authority of the writer be great, and the opinion fuch, as for the honor of our lawes I could willingly embrace; yet there being (as I conceive it) many and thofe found reafons, which prove the contrarie, I may juftly fuppofe, that the great affection, which he bore to the profeffion, which had brought him to fo high a place in the common wealth, might move him in honor thereof to fay more, than his beft learning could otherwife inable him to maintain. His authority, or perhaps the fame motive hath drawn fome late writers alfo to publifh the fame opinion, the which for my part I do not fee any way maintainable, but am rather of opinion, that the lawes of the Britaines were utterly extinct by the Romans; their lawes again by the Saxons; and laftly, theirs by the Danes and Normans much altered. And firt touching the Romans, who were the firlt, that conquered the ancient inhabitants of this Ifland : confidering, that it was their ufe alwayes to alter the lawes of thofe nations, which they fubdued, as even at this day may appear in France, Spain, Germany, and many other nations, and that in nothing more than this they placed the honor and fafety of their conquefts, it is very likely, that they alfo took the like courfe in this Mland, which they did in their other provinces; and indeed more reafon had they fo to do here, A 2
than
than perhaps any where elfe in the whole Empire, as being a province fo farr remote; and a people even by nature difobedient. To this may be added, that they trained up fome of the Britifh Kings and many of their noblemen even in the city of Rome itfelf, which they did for no other purpofe, than to inftruct them in their laws and civilitie. Befides thefe probabilities, (which yet are of force enough againft a bare affirmation only of the contrary ) there wanteth not alfo authority, which may prove the fame; for even by the beft Authors and Writers of the hiftory of thofe times it is reported, that Vefpafian coming hither in perfon, as Lieutenant to Claudius, after the great victorie, which he had againft Arviragus in the North parts, for the better affurance of his loyalty in time to come, and the more abfolute fubjection of the Britains for ever after, abrogated their ancient lawes, and eftablifhed thofe of the Empire in their place. To this may be added the fending hither of the great Lawyer Papinian, only to reform the laws here; appointing in every feveral province a Roman judge to do juttice accordingly. Neither is it a fmall argument hereof, that in part of this Ifland itfelf, namely in Scotland, much of the civil law is even at this day in practice; the bringing of which among them can be affigned to no other time or perfons, than to the old

## Laws of this I/land.

Romans, when they ruled this Inand. In proof whereof the Scottifh Chronicles do report, that Julius Cæfar built a judgement-hall in thofe parts near the city of Camelon, the ruines whereof remain at this day, and are called $\mathcal{F u}$ lius hoffe, or Fulius ball. If then in the fpace of forty or fifty years, during which time and no longer the Roman government continued in that country, being alfo alwayes rebellious, and for that caufe fo foon forfaken by them, the Romans did fo alter the laws there, that even to this day many of the laws, which then they eftablifhed, do yet remain; it is more than probable, that they holding this part of the Ifland above 400 . years, and that in reafonable good peace, did alfo alter the laws here; efpecially confidering, how eafily this courfe of fo great confequence unto them was to be continaed, which by Vefpafian, as before is faid, was begun perhaps with much difficultie and refiftance.

The next, that fucceeded the Romans in conqueft, were the Saxons, by whom fo abfolute and victorious a conqueft was made of this land, as the like (I believe) in any hiftory is farce read of. For they did not only expell or drive into corners of the land the ancient inhabitants, planting themfelves in their feats, and that not by fmall colonies, but as it were by whole nations of people; a point even
in great conquefts rarely heard of: but they altered allo the religion, they razed out the old names of Cities, Towns, Rivers, and whole Countries, impofing new of their own invention; nay, the language itfelf they not only altered, but utterly abolifhed; and for a perfect confummation of their conqueft they did at latt alfo change the name of the whole Ifland itfelf: than which if there were no other argument proving the fame, this methinks might very much perfuade, that thofe great Conquerors altered alfo the old laws, and eftablifhed their own; than which as nothing is more of Conquerors defired, and more ufually put in practice; fo indeed is there nothing of more honor and fecurity in ages to come, if once it may be throughly performed; which how eafy it was for the Saxons to bring to pafs, when all the old inhabitants were either flain, fled out of the land, or run into the corners thereof, any man may judge; nay, except thofe among the Saxons, which bore rule over the reft, would have enforced upon their own coun-try-men the execution of a law ftrange unto them, the law of the Britaines their vanquifht enemies, than which nothing is more unlikely, it mult needs follow, that the laws of the old Britaines did altogether ceafe in England amongft the Saxons; for that amongft them there were no other than Saxons, by whom
the old Britifh lawes might have been executed. Of which the abfolute ceafing of the Britifh tongue here in England, and that in fo fhort a face, if there were no other argument, is proof infallible. But with this that hath been faid, when we confider the long and profperous reign, which the Saxons had in this Ifland, the continual enmity between them and the Britaines, and laftly their divided government requiring other laws, than thofe which were convenient for the entire Monarchy; methinks, little doubt fhould be made, but that the Britifl lawes were by them altered and their own brought in their place. To conclude this point; there are divers of the laws of the Saxon Kings extant among us at this day in their original tongue; there are alfo extant the Britifh laws collected and confirmed by Howel Dah, or Howel the good, who ruled in Wales about A. 914. Thefe lawes being compared, the one with the other, do in the fundamental points fo mainly differ, as fearce the laws of two nations in the world differ more. Neither is it of fmall moment to this purpofe, that the cuftomes of little Britaine, whether many of the old Britaines fled, do alfo fo much differ from the Saxon laves, and yet in fo many points agree with thofe of Howel Da; fo as notwithftanding any opinion to the contrary, I make no doubt, but the Roman law, whereof with-
out doubt much remained to the time of the Saxons, but much mingled with the Britifl, as alfo the Britifh law itfelf, were by the Saxons as utterly abolifhed, as if none fuch had ever been planted. And this abfolute and almoft admirable conqueft of the Saxons, altering and turning all things upfide down in this kingdom, is (as I conceive) the true and only reafon, why lefs of the civil Law remaineth in this kingdom than in any other of the Roman Provinces at this day. For in all other nations of Europe the Roman bondage was caft off, either by revolt of the ancient Inhabitants, who had lived long under the Roman laws and had by time approved them, or by invafion of fome foreign nation, tho perhaps as great enemies to the Roman government, as were the Saxons, yet not fo waftefull and deftroying, or perhaps in their conquefts not fo powerfull or fortunate, as they. For only in this nation through the cruelty of the conquerors none of the Inhabitants were left to be mingled with them, who might have been able to have preferved fo much, as the fundamental points of the Britifl or Roman laws. Now as touching the Danes, tho' by reafon, that their dominion within this Illand lafted but a very flort fpace, they could not fo much alter the laws of the Saxons, as before their time the Romans and Saxons had done the lawes, which they found

## Laws of this I/land.

in this land, at the time of their feveral conquefts; yet furely they alfo did much alter the Saxon laws, and brought into this land many of the laws of Denmark in their place, which even at this day remain amongft us. That fo they did, befides many probabilities thereof, may appear by the difference, which we find by comparifon between the laws of Canutus the Dane, and of the Saxon Kings before him ; as alfo by that, which by the confent of fo many good and ancient Authors is reported of Edward the Confeffor; namely that he collected thofe laws of his, fo much commended, amongft others, out of the Dane law : which without doubt he would not have done, being the law of his mortal enemies, and a badge of their conqueft, had not the Dane law been before his dayes planted in the realme, and received alfo of the people. But that which moft moveth me to think, that the Danes made a great alteration of our lawes here, is the great agreement of our prefent common laws with the lawes and cuftomes of the Norman's at this day ; who, though they were called by a different or more general name of Normans or Northmen, and not by the more particular name of Danes, as were thofe, which conquered England; yet did they, as all the Writers of their hiftory affirm, iffue out of one and the fame country, and were as much

B
Danes

Danes as they. They alfo came out of Denmark to their feveral conquefts of England and Normandy, within 3. or 4 - years, the one of the other: namely, about the year of Chrift 800; where having lived under one and the fame law, and being therein bred and brought up, they did in their feveral conquefts eftablifh the fame; and this is the true reafon, as I conceive it, of the great affinitie of our lawes with the cuftoms of Normandy; in confirmation of which, the agreement of our common lawe with the laws of Denmark in fundamental points, wherein it differeth from the laws of all the world elfe, is alfo a great perfuafion, namely in defcents of inheritance and tryals of rights. For that the inheritance in Denmark was to the eldeft, as in England, it may appear by the teftimonie of Walfingham in his $\Upsilon p o$ digma Neuftrix, where he not only affirmeth the fame, but alledgeth alfo the reafon of the' law herein in thefe words; Mos erat in Dacia, cum repleta effet terra bominibus, ut fancita lege, per Reges illius terre, cogerentur minores de pro-' priis fedibus emigrare. Que gens idcirco multiplicabatur nimium, quia luxuii exceffive dedita multis mulieribus jungebatur. Nam pater adultos filios cunctos à Je pellebat, prater unum, quem beredem fui juris relinquebat. And indeed this manner of fole inheritance is with great good reafon ftill upheld rather in thefe North parts, than

## Laws of this I/land.

in the more Southern countries of the world ; where by reafon their women are not fruitfull as here, the inheritance is not divided into fo many fmall parts, as here it would be, if the law of equal partition did prevail. Now as touching the trial alfo of rights in Denmark agreeable to that of England by 12. men, Olaus Magnus hath thefe words, ch. 21. Expurgatio in judicio duodecim legalium bominum per Gothos in Italia degentes vetufto tempore obfervabatur, E bodzerno die in Gothicis regnis obfervatur. That the fame form of trial and many other points alfo of our prefent laws, as our Tenures, wardfhips, dower of the third part, fines, and the like, were ufed here in England before the Conqueft by the Normans, the proofes are very many, the which alfo fhall little need; confidering, that all the Writers agree, that Henry the firtt did again reftore the lawes of Edward the Confeffor, which by his father the Conqueror and by his Brother before him had been fomewhat altered, and that the fame doth alfo appear by his letters patents thereof, which is by Matthew of Paris recorded, in his hiftory. So as I am of opinion, (wherein neverthclefs I do alwais fubmit mee to better judgement) that the Britifh laws were altered by the Romans ; theirs by the Saxons; and theirs again much altered by the Danes, which mingled with fome points of the Saxon law, and fewer of the Norman law, is the common now in ufe.
of


## Of the Antiquity of the laws of

 England.
r. Attorney general in his third report hath made a very learned difcourfe of the antiquity of the laws of England, wherein he maketh mention of Britifh laws, amongft the which fome were callcd Statuta municipalia, and the others leges judiciarie; which is as much as to fay, the ftatute lames, and the common laws. But of thole laws at this day I think there remaineth few or none, except they were preferved among the Britons, that fled into Wales: for the Saxons having made a full conqueft, did alter as well the laws as the language; and in the beginning were a nation very rude and barbarous, as appeareth by their coynes, which I have ready to be fhewed. For altho they had the Roman coyn for a pattern, yet it feemeth, they regarded not any former precedents; but only fuch as were devifed by themfelres; and fo do 1 think, they

## The Antiquity of the Foc.

did of their lawes; but after, when they became civil, they ordained many very good lawes, whereof $\mathrm{Mr}^{\mathrm{r}}$. Lambert, that learned Antiquary, hath caufed a book to be printed, tranflated out of Saxon into Latin; but many of them in my opinion are very difficult to be underftood; as among the laws of King Athelftone it is fet down, that if any man fhall kill another, he flall pay the whole value of his life, and the King's life is valued at 30000 . thrimfes; an Archbifhop is valued at 15000. thrimfes; a Bifhop or a Senator at 8000 . thrimfes; and fo forth for every degree; and every thrimfe was a coyne of the value of $3^{\text {fh }}$. And there alfo is fet down, that King H. r. did value the life of any Citizen of London at vib. by his letters patents under the great feale; but in what order or unto whom this fhould be - paid, it doth not there appear.

Alfo their ordinary laws are obfcurely fett down; for I have brought a peice of a charter of king Cenulfus, where it is faid, fi malus bomo tribus vicibus in peccatis fuis deprebenfus fuerit, ad regale vicum refituatur ad puniend. but what the punifhment fhould be, it doth not appear.

Alfo they made leafes for three lives in thofe dayes, but fomewhat differing in the terms from ours at this day; for I have a Saxon charter, whereby there is granted terram quatuor
manentium pro diebus trium bominum, which was for three lives, as the ufe is at this day. The manner of their livery of feifen did in fome cafes differ from the ufe in our time; for I have a deed, whereby lands were given unto the Priory of Cuic in Devon, whereunto there are many witnefles; but in the end there are thefe words, छ videntibus iftis teftibus, pofui fuper altare fancti Andrece de Cuic per unum cultellum. And Mr. Stow hath fett down, that in the beginning of William the Conqueror's reign, farmes and mannors were given by words without writing ; only by delivery of the fword of the lord, or his head peice, by a bow or an arrow, and fuch like.

Alfo for the manner of out-lawryes in thofe dayes; if any man had broken the peace of the Church violently, he was in the jurifdiction of the Bilhops to have juftice ; but if the party , fled from it, the King by the words of his own mouth fhall out-law him; and if after he may be found, he thall be delivered unto the King alive, or elfe his head, if he defend himfelf; for he beareth the head of a Wolfe.

In the book of Domefday there is mention made of trial by Peers: the words are thefe, Willielmus de Percye advocat Pares fuos in teftimonium, quod vivente Willielmo Mallet छ vicecomitatum tenente in Everwick, ipfe fuit feifitus de Bodetun, छ eum tenuit : and thus much for this time thall fuffice.
of

```
[ IS]
```



Of Sterling money,
By Sir Thomas Lake.
1590.


HENCE the name of Sterling money came, there be three common opinions.
I. Some have faid, that it tooke name of Sterling caftle in Scotland, and that K. E. i.after he had entered into Scotland fo farr, for a memory of his victorys there, caufed a coin to be made, which he called Sterling.
2. Another opinion is, that it was fo called, becaufe it had the figure of a ftarr printed on it, or elfe of the figure of a bird, called a Sterling; and fay withall that the bird about the crofs in the ancient arms of England were Sterlings.
3. A third, that it taketh denomination of Efterling, and was a ftandard ufed by the Efterlings
lings trading in this realme, and received; or of Efterlings, that were the workmen of it.

The firft hath little probability; for that by fome records it may appear, that there is mention made of the penny Sterling in the time of K. John.

For the fecond, touching the print of the ftarr or of the birds, I never faw any fo coyned; befides that it hath alwayes been the cuftome to imprint upon coin the image of the Princc.

The third in my opinion hath a great deal more of probability ; as firft that in all ancient Writers it is called and written Efterling, and likewife the French and other ftrangers, that make mention of that kind of money, do call it Efterlin.

The denomination of the weights, and their parts is of the Saxon or Eafterling tongue, as pound, fhilling, penny, and farthing; which are fo called in their language to this day.
Further in the red book compofed in the time of K. R. 2. are contained words, that do very much fortifie this opinion, which are thefe; Moneta vero fertur dicta fuife à nomine artificis, ficut Sterlingi Anglice à nominibus opificum nomina contraxerunt.

Laftly, wherefoever there is mention made of it in ancient hiftories, written in the Latin tongue, or in foreign languages, it is fpoken allwayes in the plural number, as Denarii fter-

## Of Sterling money.

lingorum ; which argueth, that either it was fo called of the nation Efterlingi, that firft ufed it ; or of Efterlings, that were the firft workmen that coined it.

Now for the antiquity of it, and how long it hath been in ufe in England, I can fay nothing by record; but by conjecture I take it to have been a very ancient coyne, and of long and known ufe; becaufe our Englifh hiftories and alfo forreign do make mention of it, as of an old and known coyn; for in the red book it is called the ancient Sterling; and the Statute of weights and meafures, which was written in the time of Edward the firft, provideth the compofition of them upon the Sterling penny, as a thing certain and known.


## [ 18 ]


Of Sterling monev.
 T appeareth in the book of Domefday, that the payments into the Exchequer were in thefe feveral forts; viz. lx.lib. or any other fuch fum of pounds, ad pondus five cum pondere, or ad numerum, or ad arfuram; or elfe fo many libras blancas de viginti in orâ, or fo many pounds denariorum de viginti in or $\hat{a}$, or elfe candidorum nummorum de viginti in ora ; but there is no mention made of Sterlingorum or ad penfum. The black book of the Exchequer, which was written the . . . H. 2. mentioneth that after the Conqueft the King was not paid out of his lands in gold or filver, but only in victuals for the maintenance of his houfe, faving that for the wages of Souldiers and other neceffaries; and out of cities and caftles, which ufed no husbandry, he was paid in money numbred; and this continued by all the time of William the Conqueror
untill
untill the time of H. r. that upon petition of the common people, the victuals were taxed, and payment made in money ad fcalam: and after that it was ordered to be made, non folum ad fcalam, but ad penfum; and laftly by a Bilhop of Salisbury the payment ad arfuram was devifed, which was per combuftionem, and fpecial milites monetarii appointed for the doing thereof.

Nota quofdam comitatus à tempore Regis Henrici licite potuiffe cujufcunque monetre denariorum folutionem offerre, dummodo argentei effent, छु ponderi legitimo non obftarent; quia folum monetarios ex antiqua infitutione non babentes, unumquemque fibi denarium perquirebant; quales funt Northumberland © Cumberland; fic autem fufcepti denar . . . licet ex firma effent; feorfim tamen ab aliis cums quibufdam fignis appofitis mittebant; reliqui vero comitatus folos ufuales $\S$ inftantis monetr legitimos denarios tam de firmis quam de placitis afferebant. At poftquam Rex illuftris (cujus laus eft in rebus ma-gnis-excellentior) fub monarchia fua per univerfums regnum unum pondus © unam monetam infituit, omnis comitatus una legis neceffitate teneri छ generalis commercii folutione copit obligari. Omnes itaque idem monetre genus, quomodocunque teneant, folvunt; fed tamen exactionis, que de combuftione provenit, jaituram omnes non fuftineant.

C 2
of


## Of Sterling money.

By Francis Thynn.



HERE hath been diverfe opinions touching this word Sterling, whereof it took its name. Some fay, that it took its name of the city of Sterling in Scotland, when Edward the firf, as my memory at this time ferveth, had conquered the land; but that cannot be; for the town, which is now called Sterling, had not then that name; for it was then called Striveling, as all the Scottifh hiftories do prove. Others fay, that it had its name, for that there was a farr printed thereon, and fo called Sterling : and fome fay it was called Efterling of this word Sterle, the bird fo called in upland, as fhall after appear by the opinion of Belleforeft; which I will here fett down in Englifh, where he fhoweth, that the fame was not a peculiar coin to England,
gland, but to all other nations, that were in the warrs of the holy land in the time of $\mathrm{K} . \mathrm{Ri}$ chard I. Now Belleforeft's words, tranflated out of French, are thefe, in his Cofmography, where he treateth of the holy warr: The city of Damiata, where the Chriftian merchants did ufe to dwell, fell into the hands of the old poffeßors, and at the departing out of the men, every one payed to the Soldane, who was there with bis forces, one efterlin; not for that be cared for the money, but to the end, that it fould not feem, that the Chrifians bad not tarried there free in bis tomn without paying him tribute; and it was found that be had reccived 700000 . of fuch pieces. And for 50 much as diverfe talk of thofe Efterlinges or Efterlins, and think, that it was fimply the money of England, it is to be knomn, that thrs piece of money was common to all the Chriftians going into the Eaft; and there they named it fo, becaufe on the one fide, it bad a Starle, to fignifie the multitude of our men paffing into the holy land to occupy the fame, as thick as the Starles do the vines in the time of the vintage. And there be fome, that fay, that this money bath a ftarr on the one fide, where me ordinarily fett the crofs; as who flould fay, that this multitude was governed by a farr fupernaturally. And the Englifl men baving retained the ufe thereof, or rather the name, bave made divers believe, that the fame mas the money of their country; but be it as it will, it was the monty of the Eaft, and it
may be, that King Richard, being bimfelf King of ferufalem, gave alfo that coin to his fubjects. Thus farr Belleforeft: Wherein he hath committed great errors, as I take it ; firf, in faying it had his name of the bird Starle; $2^{\text {ly }}$, that it was named of the ftarr; and 3 ly, that the Englifhmen challenge more to themfelves than due, in faying it was their proper coyn. For the firft matter, it could not be called of the Starle; for then it mult have been moneta Sturnorum (for Sturnus is Latin for the Stare or Starle) and not moneta Efterlingorum. $2^{\text {ly }}$, It took not its name of the ftarr; for then it fhould have been called moneta Stellarum, and not Efterlingorum; and thirdly, it was proper, as I take it, to the Englifh, becaufe of the Efterlings, that came hither to refine the filver, whereof it was made ; which it fheweth we had no skill of, before that they came hither, and it was called Moneta Efterlingorum of thofe people, called the Efterlinges, and fo was much more accounted of than any other coyn, even for the purity of the fubftance thereof; as appeareth by the words of Matthew Paris in the time of Henry the third, where he hath thefe words in an. Dom. 1247. Anno 31. H. 3. fol. 710 . in the impreffion of Tigury, Eodem tempore Moneta EJterlingorum propter fui materiam defiderabilem deteftabili circumcifione capit deteriorari, © corrumpi per illos falfarios monetarum, quos tonfores appella-

## Of Sterling monev.

mus. Where naming moneta Efterlingorum, the money of the Efterlinges, he plainly heweth, it was the money made by thofe country people; and mentioning propter defiderabilem materiam, what other thing can he mean, than the excellency and purity of the filver, which was defired of all men? fo that in this point the judgement of Belleforeft (who for malice feeketh to defraud the glory of the Englifh) is not to be received for the reafons before recited, and for many other things, which I could fay againft thefe words. True it is, that I have feen an old Angel made in the time of Edward the third, (which fome fuppofe to be of thofe Angels, which it is faid Reymund Lulley caufed to be coined in the Tower) which had a great ftarr in the top of the maft of the Ship for a difference from other Angels; but yet the fame was never named the Sterling Angel, becaufe that it had a ftarr thereon.

Of Sterling money.
By Mr. James Ley.

㗜HE common and received opinion concerning the antiquity and fignification of Sterling hath been, that King Edward the firtt having obtained the caftle of Striveling (which they corruptly call Sterling) did erect a mint there, and firft coined the money, which of the name of the place is faid to be called Sterling. The caufe of the embracing of this conceit hath been the error of the old book, called the Englifh Chronicles, and fithence that the approbation thereof by the Writers of the laft great Englifh Chronicle. The untruth of this cenfure appeareth manifeftly by confidering the time, and place, and other circumftances. For it is undoubted, that the Sterling was known and ufed in England long before the time of K. Edward the firtt; for I find in a record in the Exchequer of the time of K. Richard the firft, intituled,
tuled, Effoin de tempore Regis Richardi An. 1 o. that a fine was levyed in Norfolk by the Abbot of St. Peter fuper Dinam, unto William de monte Canefi, whereby the fame William did grant to the Abbot quadraginta folidos ferlingorum in puram Є perpetuam Eleemofynam percipiendum annuatim \&c. Likewife Ranulphus Glanvil in his book - lib. 7. cap. 1o. writeth, that a fine was levied in anno 33. Regis Henrici (which is King Henry the $2^{\mathrm{d}}$.) in which mention is made, that the of the fine did give to the centum folidos fterlingorum : and to him that obferveth the fcarcity of filver and of all rich metal in Scotland, the bafenefs of the town, the unfittnefs of the fituation thereof for that purpofe, being a place remote, the great difference between Striveling and Eftirling, the word Efterlingorum to import $\mathfrak{a}^{2}$ denomination of perfons, and not of the place, the unlikelyhood, that the King of England would honor a town and kingdome, which was only feudal, and deprive his own renowned realm of that title and privilege, which was then, and hath ever fithence continued univerfal among his own Subjects; that he would coin money in a foreign realm, appointed to be currant within his own dominion, it may eafily be condemned as a fable and fantafie. Another opinion is, that the word ferlingorum is derived of a fare or martlet; of which
opinion is Lynwood lib. 3. de teffamentis : cap. Item quia locorum, whofe words are as followeth; Sterlingorum nomen erat \&c. Of the like opinion is Polydore Virgil lib. 16. Anglice biftor. 304. who writeth, as followeth : Interea in confilio poft multa ex republica \&c ; whofe opinions do not bear any great fhew : for the Armes of any King of England before the Conqueft was not ftares, but martlets, which are birds differing both in name and nature. It is likewife very true, that there was an ancient coyn, called Sterlingus or denarius Sterlingus: yet altho it may be, that fome one manner of filver coin might happily be known by that name, and for that caufe; yet the general name of Sterlingorum, which is now in queftion, and which is proper to a fpecial kind of alloy of currant mettals, hath an other etymology and original. Firft, therefore, as the realm of England hath furnifhed the Eaftern parts with the provifion of clothes and wool, fo have thofe parts requited us with great quantity of pure filver, which hath been found in great abundance in diverfe parts of Germany, where the mines thereof are; which might be a juft caufe that the bringers over thereof might well give the denomination unto the proportion and allay thercof; for being called moneta Efteringorum, it importeth the addition to concern the perfons of men under the money of the
the Efterlings; for $E f t, A f t$ and $O f t$ do fignify a rifing or afcending, whereby we call that quarter, eft, where the fin rifeth: and aftig in Englifh Saxon is to afcend and mount; and we call Eft or oft the place in the houfe, where the fmoke arifeth; and in fome mannors antiguum auftrum or oftrum is that, where a fixed chimney or flew anciently hath been; and the word efter, is that which we call eftwards; and ling is a diminutive, as fondling, changeling, ftripling, and fuch like; and may fignifie breed and generation, and for proof thereof I referr my felf to Albertus Crantzius lib. 14. Wandalire, fol. 323.

But as for the guefs of fella, furely if that had been the cafe thereof, it would rather have been called moneta ftellarum, or moneta ftellata, than Efterlingorum ; and fo of furnus, it fhould rather have been moneta fturnorum: but the truth is, that it fignificth the alloy ; for in the conftitutions of Simon Mepham Archbifhop of Canterbury, which are expounded by Lynwood, it is thus written; fatuimus quod \&c. by which appeareth, that the money was called fhillings, and the addition fterlingorum. It appeareth alfo by a Statute in A. 25.E.3. cap. 13. that it is enacted in becverba, that the money of gold and filver, which now remaincth, fhall not be impaired in weight nor in alloy, but as foon as a good way may be found, that the D 2
fame
fame be put in ancient ftate, as in the Sterling. It alfo appeareth, that the fame was brought hither by Merchants ftrangers: for the Statute of 27. E. 3. cap. 14. fayth, none fhall carry any old Sterling, but only the new coyn, except Merchant ftrangers, that bring to the realm any money and employ part, they may carry the reft. Alfo the Statute of articuli fuper Chartam an. 28. E. r.cap. 20. doth prohibit, that none thall gild or caufe to be gilded no manner of veffel, jewel, or any other thing of gold or filver, except it be of the very beft allay, and filver of the Sterling-allay or of better, at the pleafure of him, to whom the gold belongeth; and that none gild worfe filver than fterling. Alfo the Statute of An. 33. Ed. 3. cap. 7. is that Goldfiniths fhall make all manner of Veffel and other work of filver well and lawfully of the allay of good Sterling; and fo to conclude, how unlikely foever it is, that this temperature of metal doth take its name of fella; yet in this there is confent, that as the ftarrs are a light and comfort to thofe, that are in darknefs of the night, fo this mettal doth minifter reliefe to fuch, as fall into the fhade of adverfity; but in this they diffent, that thofe fendeth his light indifferently to all, the other vouchfafeth his brightnes but to few.


## Of what Antiquity Shires were in England.

By Mr. Agard.

Pafchæ 33. Eli. 1591.
 $T$ is eafily to be perceived by the reading of our old Englifh hiftories, that this land hath been divided into fundry kingdomes, the one invading the other, as they found ftrength and opportunity: in which kingdomes every King had his chiefe city or place of abode: whereof fundry examples might be recited, which I omit, becaufe I will contain myfelfe within the lifts of our order.

After that being fubdued by fome one more ftrong than the reft, as I fuppofe, by King Alured; for I find by a Regitter book of Chertfey Abbey, written in King John's time, as I think, becaufe he endeth his hiftory at that time, that the fame King wrote himfelf, Tocius Infulce

Infula Britannice Bafileus, and that he divided this land into Centuriatas.

Now in the 33. chap. of the black-book is contained thus: Hida à primitiva inflitutione ex centum acris conftat; Hundredus vero ex Hidarum aliguot centenariis fet non determinatur. Quidam enim ex pluribus, quidam ex paucioribus bidis conftat: binc bundredum in veteribus Regum Anglicorum privilegiis Centuriatam nominari frequenter invenies; Comitatus autem eadem lege ex bundredis conftant; boc eft, quidam ex pluribus, quidam ex paucioribus, fecundum quod divifa eft terra per viros difcretos \&c.

Whereby it appeareth, that Centuriata is and was taken of old for an hundred; and that fundry hundreds make a fhire. So that he dividing the land firlt into hundreds, did afterwardes appoint, what number of hundreds fhould belong to every fhire; and then appointed the fame flime to be called by the name of the chicf town of that Circuit or Province; as you fec they be called at this day; except a few, which were called by the name of the peoples there dwelling, having relation to the Romans, who from Rome called Cifalpini and Tranfalpini, fo from London Eftex, $i$. Eft Saxons, Middlefex, Weftfex, Chent, Surrcgiani vel Suthreg, Northfolk and Sudfolk; names brought in by the Saxons. And herein this nation hath imitated the courfementioned

## Shires in England.

in the Bible; for even from the creation of the world and multiplication thereof every people knew their own territories. Jofua likewife divided the land of promife into Tribes. The Pfalmes fay in the 49. And they call their lands by their names.

Therefore all old antiquity divided the world into parts, as Afia, Africa, Europa; and parts into provinces; provinces into regions or kingdomes; regions into places or territories; territories into fields; fields into hundreds; hundreds into hides or plough lands; plough lands into fevered or common fields called climata; climates into dayes works of tillage; dayes works into poles or perches, paces, degrees, cubits, feet, handfulls, ounces, and inches; fuch was their great diligence. And becaufe Kings found by experience, that $u b i$ nullus ordo, $i b i$ - Sempiternus error, or, as fome fay, horror; to prevent that inconvenience in government, as the Black-book fayth in the 32. chap. ut quilibet jure fuo contentus, alienum non ufurpet impune. Kings, I fay, thought good to divide that great logg or huge mafs of a common wealth into particular governments, giving authority to fundry perfons in every government, to guide their charge, thereby following the advice of Jethro, Mofes father-in-law, given to Mofes in the wildernefs. The fame manner ufedFergus King of Scots, who reigned there, when Coilus reigned
reigned in Britain; of whom it is written, that he divided his land into provinces, and caufed his Nobles to caft lots for the fame, and called every Country by the name of his Governor. And K. H. 2. imitated the like in fending yearly his juftices itinerant through the land to execute juftice in every fhire.

So as to conclude, I think that King Alured was the firft, that caufed flires to be called by their names, becaufe he divided the land into hundreds; and fhires confift upon divers hundreds; and that which other nations call province we call fhire ; and that is the right name in Latin; for fo doth Witlefey, the Monk of Peterborough, call it in the 37 . leafe of his book, faying, in provincia Lincolnice non funt Hida terre, ficut in aliis provinciis; Sed pro bidis funt carucate terra, छ' tantum continent, quantum Hide \&c.


## Of what Antiquity Sbires were in England.

By Mr. Thynn.

 HERE is no doubt, but that this land was fevered into fundrie parts in the time of the Britans, of the Romans, and of the Saxons. Of the Britans, I plainly confefs, I can fay little; for the Romans - fomewhat I can fay, but as it were beholding the fun darkened with a cloud: for the Saxons fomewhat more I can fay, as beholding their eftate in the fun-fetting, which yet lendeth light unto us. Now that the Britons had thefe feveral parts of the land diftinguifhed one from another by efpecial names, appeareth by Cxfar; for Kantium was one part, and the Trinobantes another; and in reading of many other ancient Writers, as Tacitus, Dion Caffius, Sueton, Vopifcus, Eutropius and others, I find the people inhabiting this land to have E had
had fundry names, and therefore fay, that every fort of thefe people had a feveral portion of the realm fett out by limites, whereby they knew, how farr their territories ftretched. Of thefe kind of people fome were called, Selgove, Damnonii, Gadeni, Coritani, Ovadeni, Regni, Silures, Cornavi, Vacomagi, Venicontes, Devani, Elgovi, Brigantes, Ordovici, Trinobantes, Canteclauni, Iceni, Dobuni, Kantii, and many other names, which I pafs over, becaufe they be needlefs to be fpoken, fince I cannot as yet appoint them their true places, other than fuch as Mr. Camden hath given them poffeffion of; which yet is not of every of thofe feveral people, which ancient Authors name in this land. All which people were fo divided by the Britons before the coming of the Romans, as I think, and that thele are only Latin names given unto them by the Romans before the felfe divifion of the Realm by the Romans; for they made another divifion, reducing the former divided places into fewer provinces; for at the firtt, as fayth Dion, it was divided by the Romans into Britannia magna \& parva; then into Britannia fuperior and inferior; after it was divided into three parts, as appeareth by Sextus Rufus, which were, maxima Cafarienfis, Britannia prima and Britannia Jecunda; but the fucceeding Romans not fatisfied with thefe former divifions, divided into 5. partes, which were, Britannia
prima,

## Sbires in England.

prima, fecunda, maxima Crefarienfis, Valentia, and Flavza Cafarienfis; but becaufe Mr. Camden hath fomewhat fpoken hereof, I will fay no more. Wherefore to leave them, and to come to matter of further opening of our queftion, we fay, that the Saxons, obtaining the realm after the Romans, divided the fame into VII. feveral kingdomes, which being after united into one Monarchy, was governed by Alfred King of England, who beginning his reign, as fome have, in the year of Chrift 871 , or, as others have, 872 . divided the land into fhires; for he (either imitating, as Mr . Camden hath, the Germans, who,as Tacitus fayeth, jura per pagos $\mathcal{O}^{\delta}$ vicos reddebant, or following, as Mr. Lamberd * hath, the counfell of Jethro the father-in-law of Mofes, who divided the people of Ifrael into Tribunos, centuriones, quinquagenarios, \& decanos, qui judicarent plebem in omni tempore, as it is in Exod. 18. chap.) did divide the whole realme into fhires or fhares, into hundreds, lathes, tithings, and fuch like, the better to reftrain the fury of the invading Danes, and the abufe of the fpoiling fubjects, cloaking themfelves with the name and fhadow of the Danes, thereby taking an occafion to wafte and confume their own country. The proof whereof, becaufe I will fpeak nothing of myfelf, I will lay down verbatim out of fuch Authors as I have feen; firft fhewing, that this

$$
\text { E } 2 \text { word }
$$

word Bire or Sbare being mere Saxon, and yet to this day retained with us, importeth as much, as a certain proportion or part of the land, that being deduced of the Saxon word rcypen, which fignifieth to cut or divide. This fhire being in Latin, of diverfe Authors, diverfely termed; of fome it is called Comitatus; of others pagus, ager, and territorium with an addition of the name of the fhire, as pagus Huntendunenfis, Ager Cantianus, territorium Glovernenfe. Of other old Writers it is called after the form of the Romans, Provincia; as appeareth by Florentius Wigornienfis and William of Malmefbury. And Afferius Menevenfis living in the time of King Alfred, and writing his hiftory, calleth this fhire paga: for he fayth aniou Domini 849. was King Alfred born in villa regia, que dicitur Wanatinge, in illa paga que nominatur Barock/bire; and of others this county is named Satrapia. Now the authorities for the divifion of the fhires by Alfred (which was about the 20. year of his regn in anno Domini 892, as feme will) are thefe. Firft, Ingulfus writeth in this manner, Rex. Alfredus in jui regni negotiis providendis jolertiflmus erat. Exemplo namque Danorum colore ctiam, quidam indigenarum latrociniis ac rapinis intendere caperunt, quos cupiens Rex compefcere, छ do bujufmoai exceffibus cobiberi, totius Angline pagos Є provincias in Comitatus primus omnuum commutavit; comitatus in Centurias, id eff, bundre-

## Shires in England.

bundredas; © in decimas, id eft, Tithingas divifit; ut omnis indizena ligatus in aliqua centuria vel decima exifteret; © $f$ i quis fufpectus de aliquo latrocinio per fuam centuriam vel decuriam vel condempratus vel invadiatus panam incurreret vel vitaret. Prafectos vero provinciarum, qui antea vice-domini vocabantur, in duo officia divift; id eft, in fudices, quos nunc fufficiarios vocamus; © in vice-comites, qui adhuc idem nomen retinent. Horum cura © induffria tanta pax in brevi per totam terram efloruit, ut fiviator quantamcunque fummam pecunic in campis $\mathcal{E}$ publicis compitis vefpere dimifffet, mane vel poft menfem rediens integre © intactam indubium inveniret. Thus much Ingulfus; after whom fucceedeth William of Malmesbury, more liberally treating thereof, whofe words, although they be fomewhat long, I fhall not grieve to recite. Qua occafione (fayeth he) barbarorum etiam indigence in rapinis anbelaverunt, adeo ut nulli tutus commeatus effet fine armorum prafidiis. Centurias, quas hundreds, छ decimas, quas Titbings vocavit, inftituit Aluredus, ut omnis Anglus regaliter duntaxat vivens, haberet © centuriam § decimam. Quod $f_{2}$ quis deliti alicujus infimularetur, ftation ex centuria © decima exbibertt, qui eum vadaretur; qui vero iftiufmodi vadem non reperirct, feveritatem borreret; $\sqrt[f i]{ }$ quis vero reus ante valationem vel poft transfugeret, omnes ex centuria \& decima regis mulEtam incurrerent: hoc commento pacem infudit provincie, ut per publicos aggeres, ubi jemita per quadrivium
drivium finduntur, armillas aureas jubeat fufpendi, qui viantium aviditatem riderent, dum non effet, gui eas abriperet. Whereunto confenteth Matthew Weftminfter, attributing the fame to the year of Chrift 892. whofe words, becaufe they be almoft all one with William of Malmsbury, I will forbear to recite, left I might trouble you with needlefs repetition of one thing. But of this divifion of the flires by Alfied, I much mufe, there is nothing fpoken by Afferius Menevenfis, who being Chaplein to the faid King, and of purpofe writing his life, doth not yet touch one word thereof. Then after this, in the time of the Danes, which poffeffed the government of England fome xxx. years, King Cnute, after he had obtained the whole Kingdom by the death of Edmond Ironfide, divided the realm, as fayth Ranulphus Higdon, Monk of Chefter, in his Polychronicon, into four partes, by which. partition he affigned Weft-Saxony to himfelf; The Eaftangles to Turkillus; Mercia to Edricus de Streonia, and Northumberland to Hiricius. But to leave that and to come to our former divifion, and therein to fhew, into how many partes the realm was divided; I will not refufe to follow that learned Antiquary, Mr . Camden, fufficiently treating thereof in his eloquent Britannia. Thefe fhires at the firft were divided into the number of $\mathbf{3 2}$. Mr. Harrifon in his defcription of Britaine, printed with Holling.

Hollingfhed's Chronicle, doth, unlefs my memory fail me, affirm that the land was at the firft divided into $3^{88}$. Thires; but I rather embrace the firlt number: and that by the warrant of William of Malmesbury, who writeth, that in the year of Chrift rois. in the reign of Ethelred, there were no morebut 32. fhires: but when William the Conqueror taxed the realm, Polychronicon fayeth, there were 36 : and the book of Domefday nameth but 34: for Durefme, Lancafter, Northumberland, Weftmerland and Cumberland are not counted in that number, becaufe they were in fubjection to the Scots; and many other fhires were either free from taxation, or elfe comprehended under the name of Yorkfhire. Whereupon the faid Ranulfus Higden in his Polychronicon, written in the time of Ric. 2. hath in one efpeciall chapter of the fhires of England, this much in Englifh. There be in England 32. fhires: but if the Country of Northumberland be divided into vi. fhires, which is Yorkefhire, Duramfhire, Northumberland, Carleolfhire, Applebyfhire, and Lancafter, then be in England 36. without Cornwall \&c. Moreover I find, there hath been in Lancalhire $s$. little fhires, as hath Eulogium, which were Weftderbia, Salfordia, Lelandia, Blackornefhire, and territorium de Lancafter; and fo likewife there was Richmondfhire in Yorkfhire, and many fuch other flires,

## The Antiquity of

which now go under the name of other fhires. Moreover the book, belonging to St. Edmondsbury, dividing the realm, doth in more ample fort fet down the fhires, expreffing, how many hides of land be contained in divers of them : the words of which book be thefe. Triginta dure Jbirce funt in Anglia, exceptes Northumberland, Leones, Weftmerland, Cumberland, Cornubia in qua continentur 7. ßirre, exceptis Wallia, Scotia, छ Injula de Wight. In his 32. Jbaris, tres leges conftitutre funt, una Weft Saxon-lage, alia Denelage, tertia Merchenlage. Ad Weftenlage novem fbira pertinebant, Jcil. Kent, Sufex, Surrey, Berk/bire, WiltSbire, in quibus continentur 1900. bide, Southampton/bire, Somerfet, Dorfet, Devonfbire. Ad Danelege pertinent 15. /bire, Everwick, Nottingbam, Derby, Lecefter, Lincoln, Northampton, Bedford, Buckingham, Hertforde, Eßex, Middlefex, Norfolk, Suffolk, Cantabridge, Stamford. Ad Merchienlege, pertinent 8. Jbire, Gloceffer, in qua funt 1300 . bida; Worcefter/bire, in qua funt 1200. bida; HerefordSbire, in qua funt 1200. bide; Warmick, in qua funt 1200. bidx; Oxenford, in qua funt 1400 . bida; Chefter, in qua funt 1200. bide; Stanford, in qua funt s.bida. Then Henry the 2. about the 22. of his reign in the year rif6, at Northampton, when he appointed the Juftices itinerant to pafs over England to decide matters of law in the country, and to eafe the people of that trouble, continually following the court,

## Shires in England.

made a new divifion of the realme, if it may be properly called a divifion, and not rather an allotement of the fhires long before divided, to the feveral circuits of the faid Juftices in this fort; which is, that Hugh de Crefceye, Walter Fitz-Roberts, and Robert Manfel were deputed into Norfolk, Suffolk, Cambridgefhire, huckinghamefhire, Effex, and Hertford; Hugh de Gundevile, William Fitz-Rafe, and William Baffet were appointed to Lincolnfhire, Northamptonfhirc, Derbyfhire, Staffordfhire, Warwickthire, Nottinghamefhire, Leicefterfhire ; Robert Fitz-Bernard, Richard Gifford, and Roger FitzRemfrey were appointed to Kent, Suffex, Barkfhire, and Oxfordfhire; William Fitz-Stephen, Eertram de Verdone, and Thurftane FitzSimon were ordained to Herefordfhire, Glocefterfhire, Worcefterfhire, and Shropefhire ; Ralfe Fitz-Stephen, William Ruffe, and Gilbert Pipard were put in charge with Willhire, Dorfethire, Sumerfethire, Devonfhire, and Cornwall; Robert Wallenfis, Ranulfe de Glanvile, and Robert Pykenet were appointed to Yorkefhire, Richmondfhire, Lancafter, Copeland, Weftmerland, Northumberland, and Cumberland. Thefe being almolt the fame Circuits, which the Jultices have at this day. All which divifions of the realme and of the finies, although they have been divers at divers times, as appeareth by thefe Authors;

## The CAntiquity of কrc.

yet altogether, as they are now at this inftant, I fuppofe, do contain the number of xxxix. fhires, to which K. Henry the virr. hath joyned 13. other fhires within the principalitie of Wales, when he united the fame unto England, and made it in all points fubject to our forme of government.


## [43]



Of the time, when England was fir $f$ divided into Sbires, and the reafon of fuch divifon,

By Mr. Talbot.
 HE old word for Shire is a Saxon word, and written rcyjpe, which, fome faye, fignifieth to divide or part afunder; but I fuppofe it taketh his beginning of clear or plain; as Scyreborne, a clear water; Scyrewude, a clear wood, where no underwoods grow; Scyreland, a plain country, where no woods grow, but apt for tillage and habitation of men. In the beginning the country was divided into wood-land and feyre-land. The wood-land remained defert for the deer, (which fince is called foreft) excmpt of ancient time from parifhes and paying of tithes. The fcyre-land remained for ha-
bitation of men and tillage, and was bound to pay Tithes, whereby it may be gathered, that wood-land and fyyre-land be contraries. The divifion of England into fhires is faid to be done by K. Alfred; which was very hard for him to do; feeing the kingdomes of Mercia and Northumberland were not under his obedience, but governed by their own Kings; which kingdoms contain the one half of England ; befides that the Danes fo troubled this land in his dayes, that he and his nobility were forced to flie into a marifh and defolate place to avoid their cruelties; which place taketh his name thereof, and is called to this day Exelneye or Ethelneig, id eft, infula nobilium. Befides that, I do not read the word feyre in that fenfe, (but pagus or provincia) until the year ofour Lord rooi. whereas Alfricus, Archbifhop of Canterbury, in his teftament hath thefe words, ano aner rciper he zeułe pam folce zo Lene 7 ofrer to paleune rare:. At which time and after I find mention made both of fcyre and fcyrefen.

Of the fame

## By Mr. Brawghton.

 N libro de Chertfey De fchiris. Rex Aluredus, licet inter arma leges fileant, inter fremitus armorum leges tulit, Є Centurias, quas bundred dicunt, Є decimas, quas Tyethingas vocant, inffituit.

Leges Edwardi Regis Senioris.
Ic pille $\}$ elc zenefo habbe zemot a ỳmb peopen - pucan 9 gebon $\$$ alc man rẏ foleniheer prple. y alc rppeck hebbe enbe:.

## [46]



## Of the time when England was firft

 divided into Sbires.By Mr. James Ley.



HE word fire is an ancient Saxon word, derived of rcipan, which is to cut, fheer or to divide; and the afpiration [ f ] hath been brought in by the Normans, as in diverfe other the like words may be exemplified; for of the ancient Saxon word ycilling, they have formed the modernal word fhilling; of rccal, flall; of cilo, child; of ic, ich; of englifc, englifh; of pilyce, welfh; and fuch like. I am not of their mind, which think, that flaire doth fignifie the plain and champion, and fo make difference between Joyregerefe and moodgerefe; for the contrary of that doth appear by the foreft of fhirewood, which being compounded of Jbyre and zoood, is no Champion, but a forcft or wood; and fo all copice woods in the Wett countries are called fheer-woods, which I think
in Latin is all one with fylva credua; foe termed becaufe thofe woods are ufually felled and cut; or elles, becaufe they are incopiced, fenced, fhared, cut off, or divided from other places, to the end the fpringes might be preferved. In like fort there is a Town in the North part of the county of Wilts called Sharefoun, which took that name, either, becaufe the Town is the uttermoft bound of the county of Wiltes, and the /bare-toron, /bire-town, or Town of divifion between the fame and the County of Gloucefter; or elfe of a certain ftone, not farr from thence, which is faid to be a bound or divifion between the three Counties of Wiltes, Gloucefter and Somerfethire. And fo alfo, when any thing is parted or divided into equal portions, we fay in common fpeech Jbare and Sbare like ; and the crop or firft cutting of grafs is called the fbare, and the implement wherewith the plowman divideth the land, is termed a bare, and, to conclude, the very inftrument of cutting of cloath is called a pair of fheeres.

Concerning the firt divifion of fhires in this land, I find in Ingulphus Croylandenfis, that the firft diftinction of /bires was made by King Alfred; altho I for my part can eafily yeeld to thofe, who think, that the ufe of fhires was long before; for Matthew of Weftminfter ${ }^{1}$ fheweth, that King Offa reigned in 23. fhires,
which he reciteth by name; and yet afterward he fayeth ', Alfredus legem tulit, centurias, guas hundredas, © decimas, quas titbingos appellant, infituit, ©̛vadationem \&c. So that I am of opinion, that the fhires refpecting their names, circuit, and quantity were long before King Alfred reigned; but regarding the fubdivifions into tithings, the government of them by diftinct Law-days or viewes of Franckpledge, which he calleth vadationem or finding of pledges, they were firt formed by King Alfied.

Concerning the firft conftitution of thires, I have obferved two kindes of principal caufes; the one fort, the caufes, why they were divided; the other fort are, why they were in fuch fort divided. As touching the former fort, it doth appear in the report of $A n$. XII. H.vir. by the opinion of Fineux, who was then Chief Juftice of the King's Bench, that there were three, caufes; the firt was for the cafe of the people, in refpect that all juftice being at that time immediately in the Crown, the fame was adminiftred only at that place, where the King was perfonally prefent; which upon the incrafe of people growing troublefome, it was therefore ordained, that every fhire or county fhould have juftice exercifed within itfelf, and that the countie-court, being holden monthly, fhould decide the pleas between partie and

## Shires in England.

partie; and the Sheriffes turn being holden half-yearlie fhould intermedle with caufes criminal, which were between the King and the fubject. The fecond, for the more eafy confervation of the peace, and ready execution of the law, by reafon, that every Sheriff having the charge only of one County, and being refident in the fame, might with the greater facility fupprefs all tumult, and with the more conformity execute all proces. The third, for the readier defenfe againft foreign invafions; neither was it fo eafy for one man to make collection of all the people of the realm into one place, as it was for every fhire to make their particular affemblies in their own countries. And to thefe three reafons I may add a fourth ; which is in refpect of the better taxation and collection of all fuch rents, aids, revenues, and profits, as were due and payable unto the King. And as concerning the caufes why the fame flires were divided in fuch fort as they are, thefe things are to be noted: firt, that moft of the fhires in England, and efpecially fuch, as by nature and fcituation were apt for the fame, do confift of two kinds of foil, the one low, moift, or fertile, the other hillie, drye or barren. Devon hath the midle and north part barren, and the fouthhams fertile. Somerfethire hath the high country dry and hilly, and the marhes and moores fatt and G moilt.

## The Antiquity of

moift. Dorfethire hath a great part hard and dry, and an other part, called Blackmore, moilt and fruitfull. Wilts is divided into Southwilts, which is all downes, plains, and champion, and into Northwilts, containing the vale and being very fertile. Barkshire hath the hill country and the vale of Whitehorfe. Oxfordshire hath the Chiltern and the vale. Buckinghamefhire the woodlands and the vale of Aylesbury. Nottinghamefhire, the northweft part thercof the forcft of Shirewood, dry and fandy, and the fouth part the vale of Bever and pleafant river of Trent. So hath Derbyfhire the Peak country, and the rich vales of Skarfdall and Gloffopeldale. Gloucefterfhire hath Cottefwold hills and the vale country, where the river of Severn runneth. Lincolnflire hath the plain and fandy countries, and the fens and plafhes: and in fuch fort are the moft part of the flires in England. Befides, I obferve that altho in many places the fhires are feparated by famous and notorious bounds, as rivers, hills, highwayes, and fuch like; yet fometimes there are certain quillets, lying within the limits of one fhire, which neverthelefs are parcel of another; the reafon whercof I conceive to be, for that the fame quillets are parcell of the poffeffion of fome nobleman, bifhop, or Abbey, who had fome great feigniory in that County, whereof the fame quillet is accounted parcel; as for cxample,
example, the Counties of Devon and Cornwall are divided with the river of Samer, but yet a certain quillet lying on the hither fide of the river, is parcel of the Earldome-land, and therefore it is a member of the County of Cornwall; fo alfo a certain parcel of land lying within the County of Berks, called Twyford, is parcel of the County of Wilts, which is at the leaft 20. miles diftant from the fame. The reafon whereof alfo is, in refpect, that it was parcel of the inheritance of the Abbey of Ambresbury, the fcite and chiefeft poffeffions whereof are in the County of Wilts.


G 2
of


Of the Antiquity of terms for the adminiftration of juftice in England,

By Joseph Holland. $2^{\circ}$. Novr. 160 r .



OLLINGSHED in his Chronicle doth fhew, that William Conqueror did alter the manner of our trials at the common law, and brought in the trials by twelve men; and ordained the Court of Chancery to be above the Common Law; fo likewife he ordained the Terms for the determining of matters in law to be kept but four times in the year, according as is ufed at this day. And in the time of Henry 3. there fat 6. Judges on the Bench, and the Chiefe Juftice was an Earle; for proof whereof I have an ancient charter made in that time of a Conreyance

The Antiquity of Terms \&oc.
veyance of Lands, in plena curia apud Londonias coram Fufticiariis Domini Regis de Banco; bis teJtibus, Willelmo Comite Arrundel, and fix fudges with him, which are particularly named in the faid charter.

Alfo the circuits were likewife ufed for the determining of caufes in every feveral fhire, and the Judges were called fufticiarii Itinerantes, and Juftices of affize, according as it is obferved at this day.



Of the antiquity and etymologie of Termes and Times for adminiftration of fustice in England,

By Fr. Thynne.
 HIS word Term, in Latin Terminus, had its original from the end or limits,terms, or bounds of lands, which among the Romans were termed Termini; who therefore made a law, that qui terminum exaraffct, ipfe छ boves duo facri fierent. Which bounds they did alfo fignifie by the name of Columna or Columella: whereupon the bounds of many Nations are yct called Pillars; as in Spain the pillars of Hercules note the cape or utmoft part thereof; and the bounds of Armenia were by the Roman Emperors, as appeareth in the Roman hiftories, named columnas Armenix; whereunto agreeth Servius upon Virgil, noting the bounds of Egypt to be fignified by the Pillars of Egypt.

Over

Over thefe bounds and limits there was a God, called Terminus, appointed by Numa Pompilius, fecond King of Rome; who firt erected a temple to this new God, and placed the fame next to fupiter Optimus maximus in the Capitol.

To this Terminus, as hath Alexander ab Alexandro lib. 2. dierum genialium cap. 22. Sacrum feftis terminalibus in agris, fexto ab urbe miliario, fub patenti calo fieri folebat. At what time no living creature was offered unto him, becaule they held him the God and keeper pacis $\mathcal{E}$ quie$t i s$; and for that caufe thought it a deep offence to have any flaughtred facrifice done unto him. The folemnities of which feafts and facrifices were named Terminalia, having the month February confecrated to him : as hath S. Augultin in the 7 .book and 7. chap. de civitate Dei. That month, as hath la Mere des bifories cap. 29. being named Februarius of the purgation of fouls, which the Romans ufed therein; for they believed, that the fouls of their deceafed Anceftors did hover and wander in the air and infected the fame; for which they ufed a certain kind of purgation, fuppofing by that meanes the fouls returned to their fepultures, which purgation was called februatio of the Roman God Februus, otherwife Pluto, to whom they confecrated the month February; for as they dedicated the month January
to the fupernal Gods, fo they confecrated Fe bruary to the infernal Gods, as hath Natales Comes. All which I have written to deduce this word Term from the GodTerminus, and that it is taken for limits or bounds.

But you will fay, what affinity hath this proud Terminus, God of limits or bounds (his motto being cedo nulli) with our word Term, for matter of law? Firft, I anfwer, Terminus like unto fanus was called the God of peace, becaufe all limits, which have their name of lites, or contentions, might be kept in peace and quiet in this peacefull government of Terminus ; that word is of kind to the Term of law, which is the time, wherein peace muft be ufed, and a peacefull end made between contending perfons. Secondly, as this Terminus is a bound or limit of place, fo it is a bound or limit of time, in that the month and time, whercin the God was worfhipped, was called Terminus. Thirdly, that as thefe facrifices were among the Romans called Terminalia, fo were they the fame Terminalia alfo by them taken for limitation of time, when thofe facrifices were performed, and alfo by Varro fett down to be the laft day of the year, including the end and limits of the year.

Now having fhewed, that this word Terminalia amongft the Romans, being deduced from Terminus, was a limitation of time; we will
prove that amongft us here alfo, that this our word Terminus or Term hath been taken for a period of time afwell as for bounds and limits or ends of things; and fo by confequence that it implyeth among us a limitation of time, wherein caufes fhall be determined, and not the determination of the caufe itfelf. That Terminus (a word ufed by Glanvil) is a limitation of time, is proved, in that our law calleth it a term of years, when we let land for certain number of years; fo is it for terms of life, limiting and bounding the life and years : and the modern and ancient Leffers did in refervation of rent ufe quatuor anni terminos. In which as this word Term can have no affinity with the land letten for years orlife, and therefore mult needs fignifie the number of years; fo fhall it not fignifie the caufe determined, but the time.

- In fpeaking of things done prefently at that inftant of time; Walfingham calleth thofe actions inftantis termini, faying, in anno Domini 1387. © 10.R. 2. Paraverunt fe ad fulcandum liquentes campos Dominus Richardus, comes Arundel, $\mathcal{G}^{\mathcal{B}}$ Dominus Comes Mowbray, Comes Nottingham: quorum primus conftitutus eft Admirallus inftantis termini.

Terminus then fignifying amongft the Romans and us a limitation of time, feemeth to give the fame fignification to our word and II queftion.
queftion. And that our Terme is nothing but a time limited and bounden for to minifter law therein, to the end that every man might know the time limited certain to follow their futes, and then is not called the term of determining and ending of caufes, as fome Ci vilians and others will have it, for fo it fhould rather after the Latin be called the fyne than the term, as is the levied fyne of land, which hath that denomination, becaufe of the end made of that contention for the land; for finis finem litibus imponit.

That this our Term is taken for a limited time, appeareth by Glanvil, who in divers writts, wherein he doth fett down the time and day, that the party fhould appear before the Jufticers, doth in place thereof in the writ fay, Quod fit coram me vel fufticiis meis ad illum terminum recogniturus.

The Terms themfelves, and the dayes of the returnes of the Terms have their names of limited times, as Michaelmas Term beginneth in the Octabis of St. Michael. Hilary, Eafter, and Trinity Terms, all having their names, beginning of and from and after thofe feafts and times. In like fort the peremptory dayes in Court being a time fixed, is in Latin, but efpecially by the Civilians, called Terminus peremptorius; whereby it appeareth, that in all matters of law both Civil, and Canon, and Pontifical,

## Terms in England.

the dayes and times belonging thereto are called Termini or Termes, as bounding the determination of the law to certain dayes, and times of the year, as is yet continued in the fipiritual aswell as in temporal Courts, being appointed at fuch times, as all men might with moft eafe and lefs hurt repair to the place of law to plead and end their contentions.

Thefe Termes being now but four in number, as Michaelmas, Hilary, Eafter, and Trinity Termes, having divers returns, feem to me in the reign of H. 2. and of K. John, and of H. 3. to have been either longer, or that there hath been fome other term more than thefe four. For I find in ancient writs, and in records of the Tower, the return of writs at certain other dayes then are now bounden or limitted; for I have feen records of writts returnable after Bartholomew tide. Glanvile mentioneth a return at Weftminfter Octabis claufre pafche: छ rot. finium 7. Fobannis mem. s. hath a return in craftino Octabis claufre pafche, which proveth Eafter term to have been one fevennight, before it now beginneth; for we have now no return thereof before 2uindena pafche, which in times paft was the fame return, which was called a claufe pafchre in quindecim dies. In the fame roll of King John mem. 10. is the return of Craftino Hillarii, which is a fevennight before our terme: whofe firf re$\mathrm{H}_{2}$
turn
turn is now in Octabis Hilarii, which proveth that Term alfo to be one fevennight longer, than it now is.

In like fort, as they had other certain and fettled returns, that we now have not, and alfo the fame certain returns, which we now have; fo had they many more other returnes, which we now have not: for in Rot. finium 6. Fobannis, there is a fyne given pro babendo quodam pracipe de cuffodia terra \&c. heredis Walteri Bijett verfus Robertum de Fregofe ES Sibillam uxorem ejus coram Domino Rege die Veneris proxime poft feftum S. Michaïlis. Which coram Rege, without any other adjunct, as I take it, is to be the King's-bench; for in many places coram Rege is fo to be taken, when coram Rege $\mathcal{E}$ concilio is often taken for the Chancery, but moftly for the Starr chamber, the genuinal court of the King and his Council; though all other Courts be rightly' the Kings Courts; and in Rotulo finium 8. H. 3. m. 5. the land of Rofe of Chefterton being feifed into the King's hands, the was to appear coram Huzone de Burgo fufficiario \& Baronibus de Scaccario die dominica proxima poft ottabis fanile Trinitatis. Where, by the way of parergon, we may note, the ancient Chief Juftice of England had his place and voice in the Exchequer. Laftly, as antiquity ufed returnes in other forms than we now do; fo had they the fame returnes which we now have but by other

## Terms in England.

names: as the return of oftabis Trinitatis is that return, which in Rot. finium 7. Foh. mem. 13. is called à die Pentecoftes in quindecim dies: and the return of Craftino Animarum is in Rot. finium of 4.H. 3. fett down by the name à die fancti Michaëlis in quinque Septimanas, anfwerable to our now returnes, which followeth menje Michaëlis.

Upon all which I conclude firf, that the name of our Term had not his denomination de caufis terminandis or determinandis, (as fome Civilians and others think) but of the limited time, wherein caufes are to be determined. Next, that our Terms either were more in times paft or thefe Termes longer. Thirdly, that our now returns are not fo many nor altogether the fame, as were in times paft. And laftly, that the returnes of Termes altered with the time, - wherein the Term was changed or abridged; which, for this time I fuppofe, was in the reign of K. H. 3. being done (if conjectures may fupport my affertion, for as yet I have no record to warrant it) by reafon of the continual wars between the King and his Barons, whereby they were forced to fhorten their Terms to follow the warrs; for, dum vigent arma, flent leges, $\delta$ in armorum ftrepitu nulla civilis juftitia. And fo I pray you to take in good part this weak and fickly difcourfe of a fick perfon.


For the Antiquity of Cities in England By Joseph Holland. 3. Jun. 1598.


HE firf city of name in England is Totnes in Devon, for that by opinion of Writers Brute landed there, and within that Town is a great ftone, asLondon ftone, whereon, the report is, that Brute repofed himfelf, when he firft landed there. It is at this day governed by a Maior and Bayliffes.

Hollinfhed is of opinion that there were greater ftore of cities, towns, and villages in old time than there are at this day : and he doth vouch Ranulf Munk of Chefter, who telleth of a general furvey made 4. W. C. and that there were to the number of 52000 . Towns, and 45002. parifhes; but by the affertions of fuch as write in our time concerning that matter you flall not find above 17000. Towns and villages

## The Antiquity of evc.

villages in the whole; which is but little more than a fourth part of the aforefaid number.

It appeareth by the records belonging to the Cathedrall Church of St. Peter in Exon, that the Bifhops fee for Devon was firft at Kirton, and from thence after removed into Excefter; which Kirton is but a little village at this day and hath but one Church.

I have diverfe antiquities in coine ftamped at feveral Towns in England, the ancienteft whereof is a Britifh peice of gold, whereon is Camuladunum, which Hollingflhed taketh to be Colchefter, but Mr Camden taketh it to be Malden in Effex, the town where the King's mint was kept. In the dayes of King Æthelftane there is mention that there fhould be a mint for coines in Canterbury, Rochefter, London, Winton, in the ftreet of Lewes, in the ftreet of Haftings, Chichefter, Hampton, and diverfe others.

Dimen.


## Dimenfions of the land of England

By Joseph Holland.
20. Nort. An. Dom. 1599 .


OR the manner of meafuring of land in old time I find it to be fett down in other terms than is ufed at this day, as by an ancient Charter made by King Edward the elder before the conqueft doth appear, by which Charter he did grant unto the Abbot of Hide by Winchefter certain lands by the name of fo many hides, a copy of which Charter I have here fett down as well for the ftyle of the Kings then ufed, as alfo for the bounding of the lands therein contained.

Edrvardus Rex excellentifimus, cognomento fenior, princep/gue vitooriofijimus, magnifci Regis Alfredi filius anno Domini gor. à Pleimundo Cantuar. Archiepijocopo in Regem folemnifime coronatus, paterni voti non Jegnis executor, ad Dei laudem honorem, $\mho^{\mho}$ ad Santi Grimbaldi reverentiam $\mho^{\Im} a$ -

## Dimenfions of the land esc.

morem, monafterium novum nuncupatum infra biennium in urbe Winton regaliter fundavit; dedit enim utramque villam de Stratton, Popham, Drayton, Mucheldever cum fuo bundredo E Ecclefiam cum centum Sex bidis.

In the book of Domefday I find mention of hides, ploughlands and Knight's fees, and thefe were the terms ufed in bounding of land at that time, but fince the Conqueft, and from the time of K. H. the fecond the ufual meafuring of lands hath been by acres, as doth appear by a Charter made about that time by William de Vernon Earle of Devon, whereby he gave lands unto the Abbot of Quarry by the name of fo many acres, which is according to the ordinary meafuring of lands at this time.

For at this day $s$. yards and half make a perch, and 40 . perches in lenth and 4 . in - breadth make an acre, an hundred acres make a hide, and 8. hides make a Knights fee.


Of the dimenfions of the land of England,

By Sir John Doderidge.



S difcreta quantitas beginneth ab unitate, which multiplied doth make a number; fo continua quantitas beginneth from the leaft admeafurcment, which I find to be the Inch, which is the lenth
The inch. of 3. barley cornes, taken out of the mids of the ear, or of the granes of barley dry and The foor. round. 12. Inches make a Foot; 3. fcet make The yard. a yard; 5 . years and a half make a pearch; The and forty pearches in lenth and four in breadth perch. make an Acre.

The compofition of yards, perches, and acres.
The acre.
There was made in 3 I. E. i. a treatife of the contents of the Acre ; that when it contained ro.perches in lenth it fhould contain in breadth 16. perches, and when II. perches in lenth then
then flall it be in breadth 14. perches demy, $\mathrm{q}^{\mathrm{r}}$, on foot, and fo after that rate: and when it was 45 . perches in lenth then fhould it be 3. and a half in breadth. The ordinance of meafures 3 I. E. r.

The Acre in Latin is called jugerum, fo called quod uno Boum jugo per diem exarari potefl. Alciatus in legem Mille paffus de verb. fignificatione. It is defined thus by the Lawyers to be menfura agreftis, que eft in longitudinem pedum aren240. in latitudinem I 20 . Gloffe vocant arvipendium. dium. vide Varr. lib. de re ruftica cap. ıо.

The Romans had a tallage upon every acre, hercof called jugatio, fpoken of in many places of the civil law, as lib. ıo. Cod. leg. r. De quibus muneribus vel praffationibus. Eodem libro de fufceptoribus, Leg. ro. Eodem libro de indulgentiis, Leg. 4. \&c. and in many other places.

The word Acre is meerly Dutch and favoreth of the old Saxon. The fignification thereof is Ager or Arvum, and Ackerkenn is agellus, and Ackaren is arare or exarare. Dufleus in Etymologico Teutonico.

The Acre of land (notwithftanding the former quantity prefcribed) is not in every place in this land of like quantity; for the Cornifl acre is faid to contain a Carew of land. 6.E. 3. 283. and in the commentary of M. Ploden the Cornifh Acre is faid to contain an hundred other Acres. Com. Throg. \& Tracy 154 .

I 2 The

Yeard land q. acre. Selionde. mi acre. Virgata terre 15. acres. 20 24. 30 . antecefforis that there are two meafures, larga $\begin{aligned} & \text { © }\end{aligned}$ fricta menfuratio 269. 6.2.

And of a virge of land a fine may be levied 41. E. 3. f. fines 40. A writ of right may be
brought 5. H. 3.f. droyt 66 . but of another 41. E. 3. f. fines 40 . A writ of right may be
brought 5. H. 3.f. droyt 66 . but of another precipe it is doubted 13 . E. 3.f. fine 67.
Rota terre A Rood of land containeth 20,24,30. Acres, $3^{\circ}$. Acres. and of this alfo a precipe may be brought for the certainty thereof, 3. E. 3. f. breef 740 . 6.E. 3.29 I .

Bovata zerre 10. Acres.

Caructate terre.

The fourth part of an Acre in fome places is called a yard land, and half an acre is a felion, 9. E. 3. 479. A Virgata terra is half of a Roode of land, for fo they feem to expound it. And thefe are not of one meafure. For Bracton fpeaking hereof in his writ de morte

Bovata terre or an oxgan of land containeth in fome countries 10 . acres, and thereof alfo a precipe lyeth. And it is allwayes underftood of land in Gaynery 1 3.E. 3. f. breef. 241 .

Carucata terre may contain a houfe, a mill, a toft, and divers parcels of land of divers kinds, T. E. r. f. breef. $8 . \mathrm{m}$. and it feemeth in quantity to be fo much as a plough land, viz. a tenement, whereupon a man may keep a Plough for husbandry with all neceffaries and incidents thereunto, derived from the word caruca, which fignifieth a Plow, and carucata a plough or wainload, but the precife certainty doth differ in divers places and countries 35 . H. 6. 29. per Prifot.

## Land of England.

Prifot. It feemeth by Prifot in the fame place that a Carow fhould be fo muchland as a plough fhall plough in one year.

A Hide land is tanta terra portio, quanta unico frida. per annum arari poterit aratro, as it feemeth by Gervafius Tilberienfis and Matthew Paris to confift of an hundred acres; fo it feemeth to import a competent Tenement for a man to keep husbandry upon. Lambert's Saxon lawes in expofitione vocabulorum. ' William Benvallus tenet in Ravenfthorp \&c. Ogerus Britto tenet in

In 4.E. 2. f. avowry 200. a virge of land is faid to confift of 80 . Acres, and 20. of thele verges are faid to make a Knight's fee, viz. 1600 . acres. But this is alfo different and uncertain, according to the tenure as it was firft referved, 12 . Ed. 2. f. breef.

1. Leiceft. in lib. Domefday.

## Dimen-



## Dimenfions of the Land of England,

By Mr. Agard.
24. Novr. 1599.
 LTHO I muft confefs that in this propofition I have more travailed than in any of the former, for that it concerneth me more to underftand the right thereof, efpecially in that fundry have reforted to me thereabouts to know whether I have in my cuftody any records that avouch the fame in certainty; yet fo it fareth with me, that in perufing afwell thofe abbreviations I have noted out of Domefday and other records fince that time, as alfo thofe notes I have quoted out of ancient regifters and books which have fallen into my hands within thefe xxx. years, I have found the diverfity of meafurement fo variable and different in every country, fhire and places in the realm, as I was in a mam-

## Dimenfions of the land doc.

a mammering whether it were for me to write or no ; for finding all things full of doubtfullnes, and that I could not by any means reduce the queftion into any certainty, I fhould but make a fhipman's hofe thereof, and therefore meant to leave it untouched by me. And yet left I fhould be deemed one that fhould begin to break order, I thought good to put myfelf to the cenfure of your wife judgements, rather than by filence to draw upon me your harder conceipts in that behalf, and therefore I fay to this queftion of the

$$
\left\{\begin{array}{l}
\text { Antiquity } \\
\text { Etymology and } \\
\text { Variety }
\end{array}\right\} \begin{aligned}
& \text { of dimenfions of } \\
& \text { lands in England. }
\end{aligned}
$$

For CAntiquity.

I do think that our Nation drawing firft our - Original from the Trojans, that is, from the Trotians as fome write, could not but bring from thence the fame order which was obferved in thofe countries of meafuring their lands, as appeareth by Dido in Virgil, who was the founder of Carthage, and coming thither by fea bought of the Prince of that Country fo much ground, as fhe could compafs with an hide, to build a city for herfelf and her fubjects; which being granted, fhe caufed the fame to be cutt into fmall hreds, and fo compaffed a mighty deale of land more than was expected;
expected; fo our forefathers, as it fhould feem, did collop out the countries they dwelt in in like fort : but you will fay, when? To this I fay, in every province and in every kingdom of England, whereof as appeareth by hiftories, by fome to be vir. but efpecially by moft Writers v. fcil. Weftfaxons contains viri. fhires, r. kingdome. 2. Eftfaxons 6.fhires, 2. kingdomes. Northumberland from Humber to Scotland, r. kingdome ; and the kingdom of March 15 . fhires, 1 . kingdome. There were weights and meafures of land according as it pleafed the Prince; for it is a principle in Canutus's laws, that it belongeth to the Prince only to appoint weights and meafures, menfuras $\mathcal{O}$ pondera diligenter dirigamus. Yet the certainty of meafuring of lands came not in untill the Realm was under the tribute to the Danes, which was, as Walter Witlefey, the Monk of Peterborough, writeth in the 30 . year of King Æthelred, qui mifit nuncios Danis, dicens quod vellet iis tributum dare, ut à rapinis deffferent, illi confenferunt, © dabatur iis tributum, quod eft 36. millia librarum argenti: for the levying whereof the realm was admeafured, and the money levyed per bidas, as appeareth by fundry ancient Regilters, which I have feen, whereof I will mention what I find in the book of Dunftaple, that there are in the realme 32. fhires, in which were three kind of laws exercifed; that is, Weftfexlaw
fexlaw, to which belonged 9 . flires, in which were fourfcore thoufand eight hundred hides of land. The fecond Dane law, to which belonged I8. Shires, 3200 . hides; and Merch law, to which belonged 8 . fhires, in which are 11800 . hides. Which all paid the Danegelde according to their hides as Domefday affirmeth, at manerium de T. Se defend. pro s. bidis. And to in infinite places alfo, antequam terra bidata fuit, by which it appeareth that lands were firft meafured by hides. The Etymologic whereof I think was drawn from Dido's act before fpoken of, for you fhall not find that word in any other language, than ours, neither French, Latin, Italian, $\mathcal{E}_{6} c$. Neither in the book of Domefday fhall you find that word Hida in all fhires, but in fome fhires, as in Kent Solin and Solins.

In Lincolnflire Carucata, only.
And fo indiverfe fhires likewife Carucata on' ly. And becaufe there are mentioned diverfe names of meafuring land in the fame book, I will recite fome as near as I can :


Of all thefe I will fay fomewhat according as I find in ancient books and records.

But before I enter into that, it fhall not be K amifs
amifs to qualifie one doubt which may arife in this meafurement, that is, by what number of tale of acres land was meafured, for there was before the Conqueft Anglicus numerus which $x \times$
was vi. to the c. and the Norman number $x \times$
which was v . to the c . As Domefday fheweth in civitate Lincolnie, Hic numerus cc. Anglico numero ccxa. fo as when the realm was divided into hides I take it for certain that it was by $x \times$
vi. to the Hundred. Now to the words, and firlt for Solin, take Domefday it felf fayeth thus.

In communi terra Sancti Martini funt cccc. acre छ dimidium, que funt 2. Solins $\mathcal{F}$ dimidium. Now this word dimidium firft named mult have relation to half an hundred, and not to half an acre, for in all the whole book there is not named half an acre. And then I take it that a Solin of ground after Englifh account containeth 216 . acres; if after Norman tale then nine feore acres. And to this agreeth fomewhat neer a note taken out of a Leiger book, which the Bifhop of Norwich Doctor Redman hath in thefe words. Item Abbas dicit guod in libro vocato Dome/dei Sancti Edmardi apud Weftminfter fic babetur, Abbas Sancti Auguftini tenet manerium de Langeport, ibi eft unum Solin © unum Fugum Ẻc. Et ulterius, Idem Abbas dicit quod fe-

## Land of England.

cundum interpretationem antiquorum terminorum, unum Solin continet Cc . acras. This is as much as I can learn any where for this Solin. Domefdei viI. Solins terre eft XVII. Car. pro uno Solin Є̉ dimidio fe defend. ऊ fic in infinitum.

## Hida.

The black book containeth thefe words in chap. penultimo lib. 1. Hida à primitiva inflitutione ex centum acris conftat, which in mine opixx nion is vi. acres, becaufe the next word Carucata induceth me to think fo, by

## Carucata.

an ancient Writer before named, which is Wittlefey, who hath thefe words fol. 37. in provincia Lincolnix non funt Hide, ficut in aliis pro-- vinciis, fet pro bidis funt Carucata terrarum, छ઼ non minus valent quam bida.

Again, an ancient Writer called Henry Knighton a Chronicler of Leicefter, who wrote in H. vth's time, and in the cuftody of a gentleman in Leicefter named Mr. John Hunt, hath thefe words, agreeing with the former fol. 37. Fobannes Rex folempniter denunciatus ©̌. EJ ftatim cepit tributum per totam Angliam, videlicet de qualibet Hida, i.e. Carucata terre, II $^{\mathfrak{F}}$. © rediit in Normanniam.

Alfo in a note entred in an ancient record

$$
\mathrm{K}_{2} \quad \text { in }
$$

## Dimenfions of the

in the treafury before a declaration made of the Knights fees belonging to the Bifhop of Lincoln, are thefe words, Nota, quod Carucata terre continet in fe c. acras: © Septem bovate faciunt Carucatam, Є quelibet bovata continet 19 . acras. So as I think in thofe fhires in Domefday where no hides are named but Carucata, there the Carucata containeth as much as Hida, and
xx
that to be vi. Acres. But where there is bida named, and then faith thus, Dorfote Brixi miles E. tenuit Odetun pro xur. bidis terra eft xvi. car. de ea funt in dominio 4. Carucate; in this and like places I take it, that Carucata is to be referred to a plough land, which is about threefeore acres. And thus is mentioned in Domefday for my better proof in Yorkfhire under titulo Rex in Eificevult, funt ad geldum xir. Carucatre terre, quas vii. Caruca poffunt arare. In civitate Eborac. Turchil 2. Car. terra poffunt arare 2. Carucre.

And yet further for the better proof that a hide of land was both reputed before the Con-
queft and fince vi. acre;, I find mentioned in a book entituled Reftauratio Ecclefice de Ely (which Mr. Cotton lent me and now Mr. Cop hath) thefe two places worth the noting. In the ix. leaf are thefe words. Et non invenerunt de terra guce mulicris jure fuiflet, niji unam bidams

## Land of England.

per fexies xx. acras, $\mathcal{J}$ fuper bidam 24. acras. Item in cap. r 3 . In Wilberbam emit Abbas ab Alfuuino, © ux.xore ejus duas bidas duodecies xx acras, © totum bundredum uniufcujufque emptionis fuit in teffimonium. This was before the Conqueft. Now fince the Conqueft, inter Placita de juribus © Afflis coram fohanne de vallibus © aliis fufticiariis itinerantibus apud Cant.an. xiv. E. г. termino Trinitatis, menfuratio communce paftura in Hokinton, Ita quod Warimus de infula छ alii non babeant in ea plura animalia \& pecora quam babere debeant Ecc. dicunt quod funt in Hokinton xir. bida terre, quarum qualibet bida continet in fe fexies viginti acras terree $\mathrm{E}^{3}$. Et tenens unam bidam terra integre poffit fex boves, duos equos, fex vaccas, lxxx. bidentes, $\mathcal{O} \mathrm{xv}$. Aucas, $\mathcal{O}$ qui minus tenent fecundum quantitatem tenen. babent ©cc. unde Vic. teftatur \&c. Thus much, if not too much, for - Hida and Carucata terra.
7ugum vel Juger

Is taken diverfly, as by Dunftaple before mentioned, who in his 4 . leaf doth fay it is a hide of land. His words are thefe: A.D. 1074. Rex WillielmusWalliam fibi fubdidit, छ poftea mifit Fufticiarios fuos per unamquamque Sciram, i. e. provinciam, Anglix, © inquirere fecit per juramentum quot bida, i. e. jugera, uni aratro fufficientia per annum effent in unaquaque villa छic. But I think it farr otherwife by Domefday. Domef-
day Cant. in villa de Hadone, que fuit Epijcopi Baioc. Odo tenet de Epifcopo unum jugum terra, छ eft dimidium Car. So as I take a Solin to contain diverfe juga, and jugum to be taken but for as much land as a yard land, fcil. 34. acres and fometimes 30 . acres at the moft.
*

## Virgata

Is ' taken diverfely, as I find in a Regifter book of Ely which now the Dean hath, in fundry towns fundry meafures, as in Leverington a yard land is lx. Acres. In Fenton xxx. Acres. Tyd 32. Acres. In Coln virgata operabilis xv. Acres, and in an other town not named by my note 20 . Acres, and fo I have feen extents.

The like I have feen of

## Bovata

As fome 15 . Acres, as before is declared, in fome 10 .Acres, and in fome 24 . Acres, and in fome 12. Acres, in fundry fhires and countries diverlly.

## Ferling.

That only word in the weft parts, whercin I remit myfelf to the opinion of thofe country men, but I could never find it expounded.

1. In bundello Efch. de anno 26. E. I. infra turrim Lond. funt ibi vil. virgata terr $x$ in dominico continentes quinquies XX. \& XIs. acias, quarom quxlibet virga valet villfh. pretium acr. 6 d . ergo xvi. acrx pro virga.

## Land of England.

Domefday faith in Somerfethhire. Roger Arundel in the town called Cary, Duo taini tenuer. T. R. E. 'छ geldabat pro una bida uno Ferling minus. Item in Sanford. Geldabat pro 2. bidis $\mathrm{E}^{3}$ dimidia virgata terra $\mathcal{O}^{3}$ uno Ferling. So as I take it under correction of better Judgement, that a Ferling of land, is lefs than a hide, a caruc, and yard-land, and is no more than an oxgang, which is called Bovata about xv. Acres.

It followeth now to fhow how much land belongeth to an Acre, and that is fett down both by Statute, and yet diverfe meafures in diverfe places, for the meafure is by Pole. The table in the Starr-chamber made in the 12. year of Henry VII. by fundry of the Council by commiffion fetteth down, that an acre fhould be xı. pole in lenth and 4 . pole in breadth: but how many foot the pole fhould contain it mentioneth not: but this I find in the arrentations of Affartes of Forefts made in Henry the 3 . and Ed. r. time, that for foreft ground the Commiffioners did let the land per perticam 20. pedum. So have I read of marifh grounds meafured. But howfoever the meafuring of land hath been ufed before the Conqueft, it is not amifs to know at what time fince the Conqueft, it began to be ordered how land fhould be meafured to avoid controverfies. The firt I read of was King Stephen, whom Knighton mine Author in his x. chap. fol. 43. commend-
eth in this fort. Stephanus Rex in bonitate $\circlearrowleft$ juftitia multum floruit, Jubtilis Є verfutus, छ ordinationibus faciendis artificiofus छु de ponderibus © menfuris inftituendis © de terra arabili prudens § operofus, छ de Carucata, Bovata, Virgata, Percha, Acra, Roda, छ dimidio Roda, Pede, Pollice, Cubito Є Palma छ̌c. de Anjulis, Balancis, Є menfuris, metis © bundis terrarum fuit certa menfura pofita, ficut ufque in prafens tenetur, ac etiam de venditionibus, emptionibus. And for proof of this he voucheth Ceftrenf. in lib. 7. cap. 21.

Next followed Henry 2. of whom fayeth the black book, that unam monetam छ unum pondus conftituit per totum regnum, whofe actions continued in exercife altho they appear not by matter of record untill E. i. time, who more largely expreffed the fame. And fo I pray you accept this in good part, having omitted fundry notes for confirmation of this, which I have fett down, becaufe I would not be exceffive tedious, as I fear I have been.

## [ 81]



> Of the Antiquity, Ofice and Privilege of Heralds in England,

By Mr. Leigh.



ERE it not that the order of this learned Affembly doth forbid me to be allwayes filent, this queftion having been fo judicioufly handled by others, and my felf unable to fay any thing to it, I fhould, as heretofore, have requefted your accuftomed favour to have difpenfed with me. The few notes that I fhall deliver to you I have chiefly out of the epiftle of Æneas Sylvius, who fearching for the fame thing that we are now about, reporteth that there was found in a Veftry, in Paul's Church in London, an hiftory written 600 . years before his time, the Author of it being a Commenter upon Thu-

Thucidides, a famous Grecian. The Comment fayth, that Heraldi are the fame which were anciently called Heroës, men whom the people had in fuch reverence for their worth, that they efteemed them farr fuperior unto men, little inferior unto their gods: and their virtue in their account was fo admirable, that they durft not call them men nor gods, but gave to each of them the title between both, He roëm, quafi femi-deum. Dionyfus or Bacchus, ( that with ftrong arm firft invaded India, and fubduing thofe favage and ravenous people reduced them into civility) was the firft inftitutor of them; and that this may be probable, the ceremony now ufed of powring wine upon them that are made Heralds doth induce me to believe. Thefe Harolds doth Roger Wall fometimes a learned Harold call Herodes, but upon what ground I know not, but fo he ufeth, that word many times in his Latin hiftory of the warrs of Henry the $\bar{V}$. wherein himfelf was a fervitor. Dares Phrygius an ancient hiftoriographer, and a fouldier in the warrs of Greece and Troy, reporteth that at certain playes of wreftling and other feats of activity done in the Court of King Priamus, Paris underftanding thercof came into the lifts to encounter Hector, whom the Ilerald Ida beholding, and ftanding by exccuting his office, not knowing him, nor feeing any markes to defcribe him

## Of Heralds in England.

by, faid unto Priamus: Lo here cometh a Knight bearing filver and a chicf gold, framed by the cunning of nature, for that he was naked, his body being all white, and his head yellow. The ancientelt record that I have feen of the name of Heralds in England is that of pellis exitus, where, in Eafter term in the 12 . of Ed. 3. is mentioned the pay to Andrew Windfore Norrey regi Heraldorum. For in that time the fate of Heralds was in great regard, and they were more ancient than that King that time. For Mr. Gerard Leigh faith, there were Heralds and Kings at armes in Ed, the r. time; and that no man might have to do with armes without their confent; that they flould take diligently the pedigree of all gentlemen, and fhould make their vifitations in their provinces every feventh month. There - privileges were exceeding great, as may be read in that Epiftle at large; and for that they were old retired foldiers, they ware not only free from fervice, and taxes, prefented wherefoever they came, cloathed at all folemn fhews with rich and royal robes, as now with us they are, but they had the chief government of the common-wealth, to minifter juftice for punifhment of malefactors and defence of the innocent. There office confifted in proclaiming peace and warr, therefore called Fcciales and Caduceatores, anfiwering the Roman Eaciales

111

## The Antiquity ©oc.

 in proclaiming of warrs and concluding of peace, being likewife called Faciales à federe faciendo and Caduceatores of the caduceum of Mercury, becaufe they were Meffengers of Princes one to another. Such did Julius Cæfar inftitute, lying before Carthage, as appeareth in the gefta Romanorum; fo that they were amongft the Romans well known, tho not by the name Heraldi.

## [ 85 ]



Of the Antiquity, Offce and Privilege of Heralds in England, By Mr. Camden.


MONG all civil nations, fince civility firlt entered the world, there have been Officers of Armes as Mediators to negotiate peace and warr between Princes and countries; the ancient Greeks called themı Kйưves, by whofe mediation folemn Covenants with their enemies were made. They were men of efpecial reputation and carried for their enfign a Caducus, whereupon they were alfo called Caduceatores, which was a white ftaff, whereunto were affixed two Serpents male and female, whereunto was added afterwards Copia-cornu. The ftaff was white in token of fimple truth, the ferpents betokened wifdom; both fexes, as allo the Copia-cornu betokened fruitfull increafe and plenty, the compa-
companions of peace. They were fent to redeem captives, to treat of peace, to procure fafe conducts for Ambaffadors, to require the dead bodies to be buried. Inviolable they were in the greateft rage of war, and reputed men of a divine original, as firlt defcended from Kńguxos the fon of Mercury, of whom they were named кйguкss, and hereupon Homer calleth Eumedes кйpuza 9 ciso. It were needlefs here to mention their rites in making peace, how they brought two lambs fruts in a bottle of goats skin, golden chargers, and other veffels, Ecc. as it is noted by Homer.

The Romans likewife had their Faciales fo called $\mathfrak{a}$ fide $\mathfrak{G}$ fredere faciendo, firlt inftituted in Italy by Heffus and brought to Rome firf by Ancus Martius : their college confifted of twenty. The Principal was called Pater Patratus, becaufe it was requifite that he fhould be Patrimus, that is, have his father alive, and he himifelf have children: the fecond was called Verbenaceus, becaufe when the Faciales were fent clarigatum, that is to challenge goods taken away clara voce, he carried the herb verbena with flint ftoncs $\mathcal{B}$ vivax è cefpite gramen, as O vid calleth it, which he received of the Praxtor.

Dionyfius Halicarnaff. recordeth that fix efpeciall points were incident to their office. Firft, that they fhould have a care, left the people of Rome fhould wage warr againft any

## Of Heralds in England.

of their confederates. Secondly, that they fhould challenge and require again goods injurioufly taken away by enemies. Thirdly, that they flould proclaim warr againft fuch as refufed to make reftitution. Fourthly, that they flould take notice of injuries done contrarie to corenants. Fifthly, that they fhould carefully provide that conditions fhould be faithfully obferved. Sixthly, that they fhould treat and compound peace, and take notice what Generals and Commanders had done contrarie to their oath. When they required reftitution, they wore on their head a hood of yarn, and ufed thefe words: Audi fupiter, audite Fines, audiat Fas, ego fum publicus nuncius populi Romani, jufte pieque Legatus venio, verbiJque meis fides fit \&c. Likewife when they proclaimed warr they did caft into the enemies country a bloody - fpear burned at the upper end, uttering thefe words as Agellius reporteth, Quod populus Hermundulus, bominefgue populi Hermunduli adverfus populum Romanum bellum fecere deliquereque; 2uodque populus Romanus cum populo Hermundulo hominibufque Hermundulis bellum juffit, ob eam rem ego populuJque Romanus populo Hermundulo populifque Hermundulis bellum indico facioque. But this was Jtante republica. Under the Emperors, as I find no mention of the Freciales, yet it feemed they continued: for when Ammianus Marcellinus maketh mention of the feige of Amidas under Julian,

Julian, he reporteth that a Perfian did caft into the Town a bloody Lance, ut moris eft noftri. After the decay of the Roman Empire and crection of kingdomes, the Heraldes of the old Frankes carried virgas confecratas, when they were employed in meffages that they might not be touched or troubled by any : and this was juxta ritum Francorum, as Gregorius Turonenfis writeth libro $7^{\circ}$. capite 32 .

But in the time of Carolus Magnus began both the reputation, honor and name of Heralds, as Æneas Sylvius reporteth, out of an old librarie book of $S^{\mathrm{c}}$. Paul, the Author whereof derived their name from Heros, but others, to whom molt encline, from the German word Herald, which fignifieth old and ancient mafter. Yet he which writeth notes upon Willeram, fayth that Herald fignifieth faithfull to the army; and I have found in fome Saxon treatife, Heold, interpreted fummus Prapofitus. Neverthelefs this name is rare or not found in the hiftory of Charles the great, nor in the times enfuing for a long fpace eitherby our Writers or French writers. The firft mention that I remember of them in England, was about the time of K. Ed. I. For in the Statute of Armes or weapons, that the Kings of Heralds fhould wear no armour but their fwords pointlefs; and that they fhould only have their Houfes des Armes and no more, which,

## Of Heralds in England.

which, as I conceive, are their coats of Armes. The name and honour of them was never greater in this realme than in the time of K . Edward the third; in whofe time there were Kings of Armes, Heralds, and Pourfevants by patent, not only peculiar to the King, but to others of the principal nobility : and Froiffard writeth that King Edward the third made a Pourfevant of Armes, which brought him fpeedy tidings of happy fuccefs in the battle of Auroye in Britannie, immediately upon the receipt of the news, an Herald giving him the name of Windefore, and at that time were liveries of Coats of Armes firlt given unto Heralds, with the Kings armes embroidered thereon, as the King himfelf had his robe royal fett with Lyons of gold. In France alfo, as the faid Froiffard writeth, the fame time Philip de Va-- lois increafed greatly the ftate royal of France, with Jufts, Turneys, and Heralds. As for the privileges of Heralds I refer you to the treatife thereof purpofely written by Paul Bifhop of Burgos in Spain.

## [ 90 ]



## Of the cAntiquity and office of He ralds in England,

By Mr. Whitlock.

29. Novr. 1601 .


HE name of Herauld fome have derived from the Saxon word Hercauld, becaufe anciently they were men chofen out of thofe fouldiers, which were emeritis ftipendius: and Hereauld is in the Saxon tongue an old foldier or old mafter, and you may take either word to come of Herus or Heros.

Heralds were anciently called Feciales of $f$ des, as fome fay, quia fidei publica prcerant; and hence cometh fredus. The Greeks call them sipluodixas, and it was called facerdotium. Numa was the Author of that College of them; their office was to treat of all meanes of peace before there fhould be any open warr. They were as

## The CAntiquity \&oc.

Legati, the chicf of them Pater Patratus.
I fee that the order obferved in the fending of Heralds in meffages in the warrs was taken from the ancient fafhion of the Romans, of whom Dionyfius Halicarnaffeus writeth thus in his fecond book. When any of the Heraulds was to be fent on a meffage to any city vefte auguftiore infigniifque verendus, that is, having his coat armes on $\mathrm{E}^{3}$ c, went to the city of that nation, which they fuppofed had done them wrong, and there demanded recompence of the wrong done or delivery of the parties that had offended, and untill they had performed all thefe ceremonies, and fought by all meanes of treaty to compofe matters quietly, and this had been fignified to the fenate, they could not denounce war juftly.

Livic and A. Gellius defcribe that the Har-

- rold at Armes after he had done his Meffage, and made demand of that which was unjuftly withholden, and nothing was anfwered him, he denounced war againft them by taking a fpear in his hand, and throwing it fo far as he could into the territory of the enemy. This is called with us, giring of defyance. An other part of the office of a Herald was to make leagues with foreign nations, in which many ceremonies were obferved, as binding of their heads with Verbene and fuch like herbes.

Pater Patratus was appointed by the Herald M 2
ad
ad patrandum jusjurandum, to take the oath, which was done in the many execrations and vowes of performance by calling their Gods to witnes, and the laft was the Herald having a flint ftone in his hand and a fwine ftanding by him, when he had repeated all, prayed Jupiter to ftrike the people of Rome as he ftroke that fwine if they declined from performance of that which he had profeffed, and therewith did ftrike the fwine fo hard as he could with the flint fone.

For the antiquity of Heralds when they came firft into this realm, I will leave the difclofing of that to thofe that are of that profeffion, who know it beft, and fhall not be prevented by me that am a ftranger to it.

Their office in our common wealth is the very exercife of honor; for it converfeth only in cafes of honor, in warrs or peace; in warrs, they are the Kings Meffengers to pafs too and fro between enemies without wrong or violation, and this is by the law of nations; for they are the fame, which in the ancient nations are called $L e-$ gati, and flould pafs as privileged perfons, without intermedling further than to declare their meffage.
5. E.4.8.b.7. E. 4.22. b. ten pound the year was granted to Garter by the King, and it was intended to be by reafon of his office, and determinable on the taking away of his office.

## [93]



## Of the cAntiquity and Office of ${ }^{\text {' Herald in England. }}$



HE office by opinion of Vigener and Tillet is older than the name : the firt in his notes upon Livie applyeth Kи́puxes in Homer, which Euftathius deriveth from the verb $\begin{array}{r}\text { mpou, } \\ \text {, to fpeak loud or }\end{array}$ proclaim a Haraut. Tillet agreeth with the - former that the Faciales and thefe are all one: the affinity of the functions may fecond this opinion. The etymologie of this Roman office futeth not much this queftion though it was in laft being, at their firft fubjection of our ftate, for I find it not ufed latter than by Suetonius in Claudio. But the inftitution and office may give fome ground to this of our time.

The Inftitution Halicarnaffeus referreth to Numa. It was a college of 25 , one chief Ruler or King called Pater Patratus. by Plutarch, chor. Sic.
fen

## The Antiquity ©'c.

fen by the reft. Pomponius Lætus. The 24. divided into two rankes of miniftry, Eaciales and Caduceatores, this may fitt the now diftinction of Kings, Heralds, Purfevants. This fociety admitted none, faith ' Nonnius Marcellinus, but ex optimis familiis, becaufe they prefented the publick faith, and what they concluded was held facred. Their perfons were free in all fervices without interruption. Suidas. Achilles is made by Homer to call them the boly Mefengers of Gods and men. They had by the firft inftitution peculiar garments to their profeffion, but no . . . . . . Halicarnaff. Alexander. The Heralds of France ufed a coat of Armes, as we here in England from an ancient inftitution as their own difcourfes affirm. And in Comenius we read, what hhift Lewis the French King made to furnifh out a counterfitt Herald, making a coat of armes of two trumpett banners. E.the 3 . I conceive was the firf that in this ftate inftituted either Harald or their apparel, for before his time I find none in courfe of our country ftories. And what banners they now are enjoyned it hath in their patent relation to that of E. 3 .

Their office is of peace and warr under commiffion of the Pretor or ftaff. For the firft they regard that the confederate cities receive no wrong by the Romains. Halicarnaffeus, but to adinonifl the Emperor and ftate in breach

## Of Heralds in England.

of their publick oaths or promife. They are Judges or directors in fingle combats and triumphs. Servius. So in France notes Tillet in his officers of France; and fo in England.

They were to order the playes decreed by the people to the gods, untill Tiberius gave that employment to the Prieft of his houfe. Suctonius.

In wars the Freciales were only imployed. Servius. No juft warr but proclaimed by them. Tully. And that was after fixing a fuear in the frontiers in the witnes of 3 . perfons, at the leaft the Prefident and other ceremonies Dionyfius Halicarnaff. fetteth down.

In ending war was the fole office of the Caduceatores, called of Mercuries rod which they bore as their Symbolum; the ftraight rod noting their juftice, the 2 . ferpents the different perfons they fhould perfuade: part of their peacefull ceremonies were herbs, a Lituus, and fone taken from the temple of Jupiter Feretrius. Thus much for their office.

The Etymologie of Heralds Goropius would borrow from the old German tongue taking Her for publicus, and Alt for nuncius. But the opinion of fome Germans rejecting the firft letter $H$, fo it is printed in all the Imperial Diets at Mentz, derive it from Er, which is bonor, and Hault, holding, a preferver or holder of honor. For the better regard Tillet fayth that
that they had affigned them titles of Cities and Countries, as Normandy, Orleance, ©'c. and in England, Lancafter, Winfore, York, ©c. The reafon, faith an old book of this queftion, is to fhow the conjunction of holines, puiffance, amity, and authority in them. They were by the French ftories in fuch reverence that they fate at the King's table



Of the Antiquity, andufe of Heralds in England,

By Joserf Holland.

28. Novr. r6or.

R. Gerard Leigh doth fhew that at the firft there were certain Knights called $A n$ cients, fuch as had ferved the wars 20 . years at the leaft, thofe were made by Emperors and Kings, the Judges of martial acts, and of the lawes of Armes. And after them fucceeded Herebougbts, which by interpretation is as much to fay as old Lords, and were fo called for the honor of their fervice.

This Herebaught appareled in the coat of Armes of his Soveraign the Prince himfelf at his creation, taketh a cup all gilt and poureth water and wine upon his head, and putteth about his neck a collar of SS. the one S. ar. the other S. fa. and when his oath is admini-
ftred,

## The Antiquity ङoc.

ftred, he giveth the fame cup that he was created withall unto the Herald, who bearing the fame in his right hand maketh a Larges in the Hall of his Soveraign.

For the antiquity of the name here in England I find, that Malcolm King of Scots fent a Herald unto William Conqueror to treat of a peace, when both armys were in order of battle.

Joln of Gaunt, Duke of Lancafter, married Katharine daughter of Guyon King of Armes in the time of K. Edward the 3. And Geffrey
Chaucer her fifter.
King Henry the fifth fent a Herald to fummon the caftle of Mauftrowe in France, and becaufe they within the caftle gave opprobrious words unto the King's Herald, the King caufed a gibbet to be fet up before the caftle, on the which were hanged twelve prifoners all Gentlemen and friends to the Captain of the caftle.

Before the battle of Agincourt the French King fent a Herald to King H. 5 . to know of him what ranfoine he would give. But after the battle he fent Montjoy King at Armes, and four other French Heralds to defire burial for them that were flain in the battle: the King feafted the Officers of Armes, and granted their requefts.

Clarentieux King at Armes was fent by King H.8. to make defiance unto the Emperor Charles
the s. but before he did deliver his meffage he prayed that the priviledges belonging to his place might be kept, which was that he might have a fafe conduct to return within the dominions of the King his Mafter. Whereunto the Emperor anfwered, your privileges fhall be kept. And while he did deliver his meffage of defiance, he held his coat of Armes upon his left arm; and when he had finifhed his fpeeches he did put on his coat of Armes, and had the Emperor's licence to depart.

The Lord Brabafon of France in the time of K. H. s. did appeal from the King's fentence unto the fentence of the Heralds and officers of Armes upon this point, that he having fought with the King body to body in a mine under ground at the Town of Melun in France, the King ought not afterwards to put his brother

- in Armes to death for any caufe: and fo was the opinion of the Heralds at that time, otherwife the King would have put him to death for that he was confenting to the death of the D. of Burgoign. Whereby it appeareth, that the Heralds and officers of Armes in thofe dayes were learned and skillfull in martial difcipline.


Of the Authority, Ofice and Privileges of Heraults in England,

By Mr. Agard.


OR the antiquity I think in the queftion before touching Armes bearing, was by me in part touched, That before the Conqueft there was no mention made of Heraults in England by means of the continual vexation of wars betwist the Britens and the Saxons, betwixt the Saxons and the Dance, and the Saxons themfelves, except you will take thofe ancient Bardi among the Britons to be inftead of Heraults, whofe exercife was to celebrate the ancient defcents of men of worth by rythmes. But fire I am that at the Conqueft there was no practice of Herauldry. For unto them belongeth to be skillfull
in Languages, to be able to deliver meffages of love, peace, or to denounce war betwixt Prince and Prince. But the Conqueror ufed a Monk for his Meffenger to King Haroult. And Harold never fent any to William the Conqueror that I can read of.

I remember Ingulfus maketh mention of one Earle Withlacius, who calleth King Egbert and Athelwolf his fon his Lords or Kings. This Withlacius by his deed confirmeth to Growland the gift of one Oxgang of land in Leithorp, which one Edulphus his meffenger gave, called by the name of Nuncius fuus. So as I leave it to the judgement and cenfure of the Learned, whether he is to be taken for a Herault or no.

I fuppofe the beft time and chief rifing of them was in Ed. 3.time, even when the Garter - took his beginning. At what time election was made of learned and difcreet perfons, to be employed as well for the fending of them abroad with the order to foreign Princes, as alfo for to treat with them for negotiating of leagues and treaties of peace and confederation. Yea, and of late I have feen a treaty of peace made in K. H. $7^{\text {s }}$. time with the King of Denmark, where the Chief Commiffioner was Clarencieux, wherein were fett down fo wife and learned articles as that H. 8. fon to H. 7. in renewing the league with the King ufeth the
fame
fame words with no addition to the fame: which league hath ever fince the making continued firm, untill of late that the King of Denmark that now is, fought to offer to our Merchants fome hard meafure by new impofitions. But the Queen's Majeftie fending the Lord Zouch thither with the fame leagues excmplified, pacified the matter.

Now I take it that I may very well divide Heraults into two forts, $\left\{\begin{array}{l}\text { Nuncius, } \\ \text { Internuncius. }\end{array}\right\}$
Nuncius I think to be the Herault of Armes who is appareled with his coat of Armour bearing the Armes of the Prince, which coat was wont to be called Tabor, for fo I remember in an action of trefpafs in H.4. time, one impleadeth an other, Quare Taboram fuam cepit. And to this coat belongeth reverence, in that if fo be, that an Herauld be fent with this coat upon him, for any man a fubject commanding him to obedience or appearance, to refufe is deemed treafon, Quia expreffam babet Regia majeftatis imaginem, as in Tilbericnfis is faid of the King's feal. And in all rebellions, they be employed with their coat to deliver meffages of pardon and proclamations to the Rebels ; and their coat is a pafsport : and to hurt or kill any of them in that bufinels is treafon, as was deemed againlt the Rebels of Norwich, who flcw

## Of Heralds in England.

flew $\mathrm{M}^{\text {r }}$. Man an Herald there, coming to them to have proclaimed pardon if they would have accepted it. Neither are any Meffengers from Rebels to be admitted to deliver any meffages, before the King's Herault have gotten them licence to fend: as was lately in K. E. o. time proved by that worthy Earle John of Bedford, who was fent to reftrain the Rebels in the Weft: where after he had overthrown thofe of Devonfhire, and marching on towards Cornwall, there came in poft to him a fillie wretch without bootes or fpurs with hay about his legs from the Rebels fent, faying he was fent by the Rebels to my Lord with one . . . . . . who when he came before him, ufed this fpeech or the like. My Lord, the Commons in Cornmall bave fent me to you to tell you that they will bid you battle to morrow on fuch a bill if you dare come

- thither. The Earle anfwered, Well faid; but bave you never a better borfe, faid he; no, indeed, faid the Meffenger: than take bim and hor $/$ e bim better againft yonder wall, where they pitched two bills, and caft the third over and hanged him, which the poor wretch feeing provided, $O b$ ! faid he, it is againft the Law of Arms to burt Ambaffadours: but my Lord anfwered, Sirrah, no lam of Armes is to be kept mith Traytors.

Now for Internuncii I take them to be thofe which were called Purfuivants, a meaner fort, which Armes are ingraven called a Box : and furely their authority is great and their Armes bearing is reverenced alfo. But thefe we fee medle not with Armes bearing, but many of them have prefumed with harmes bearing, whereof they have tafted for their prefumption for $a b-$ ufing their authority.


$$
[105]
$$



Of the Antiquity and Privileges of the Houles or Inns of Court, and of' Cbancery,

By Mr. Agard.

Pafche 33.


READ not in any ancient Writer or Record how the fame did grow to a head or fociety at any time before or fince the Conquelt. Before the Conqueft Iam perfiaded that Lawyers had their chief abode for ftudy in ancient Cathedral Churches or Abbeys, becaufe that I have feen that in fines acknowledged, that the fame have been done before Bifhops, Noblemen, and Abbots; and after the Conqueft in K. H. 2. time and K. R. r. J. and H. 3. times, fines were acknowledged before Abbots, Deans and Archdeacons, who were Juftices Itinerant through the realm in circuit for trial of life and death, for

O
trial example, Brinkeland, the Chronicler of $S^{\mathrm{c}}$. Edmond's Bury, faith, Abbatem Sampfonem fuiffe virum prudentem, छ fufticiarium errantem in circuitu, छ vixit tempore Ranulphi Glanvil fufticiarii Anglice. Again, I have feen fundry finales concordice taken before the Abbot of Peterborough in his circuit of Juftice Itincrant, in fundry fhires in H. 3 . time. Alfo Salomon de Roff. Archdeacon of Rochefter and Magifter Thomas de Sodington a Prieft, were Juftices Itinerant in circuit both for Affizes and Quo Warranto's in Ed. r. time. So as I fuppofe that the ftudy of the Laws of the land were in the Court and Religious places, a great fpace until the making up of the Statutes of Runnemeade, magna Charta, and de Forefta, for then after Communia placita non Sequantur Curiam noftram, every Courts Minifters knew how and where they ought to exercife their offices and pleadings, which before followed the Schequier being in the King's Court, which Efchequier is called by an ancient Writer the mother Court of all the other Courts of Record.
$\underset{\substack{\text { Ex Attor- } \\ \text { natis } \&}}{ }$ Thefe Statutes being ftablifhed, then the Apprenti- King gave Authority yea by Parliament, as ap-
ins
Doriis Dominus rex peareth by an act in An. 20. E. r.to the Juftices,
 inghann certum numerum de quibus coñ. de melioribus $\mathfrak{G}$ \&. ivciis
fuis quod legalioribus ©
E libentius addifcentibus fecundum quod dc.
intellexerint quod curice fuce © populo de regno melius valere poterit $\mathcal{B}$ magis commodum fuerit. Et quod ipfi, quos ad boc elegerint, Curiam fequantur, © Je de negotiis in eadem curia intromittant $\mathcal{E}$ alii non. Et videtur Regi $\mathcal{F}$ ejus conflio quod Septies viginti fufficere poterint. Apponant tamen prafati fufticiarii plures $f i$ viderint effe faciend. vel numerum anticipent. Et de aliis remanentibus fiat per difcretionem eorundem Fufticia $\mathcal{O}^{3}$ c.

So as then in that King's time the Law began to be fettled in perfect form and due courfe as it proceedeth now, and by that meanes did draw Students to provide convenient places both for their ftudy and conference.

For their Liberties and privileges I never read of any granted to them or their houfes. For having the law in their hands, I doubt not but they could plead for themfelves, and fay as a Judge faid (and that rightly) that it is not convenient that a Judge fhould feek his lodging when he cometh to ferve the Prince and his country.


Of the Antiquity of the Houfes of Law,
By Mr. Thynne.

$T$ is queftionlefs that Lawyers, as well fuch as opened or defended the Clients caufe, and fuch as heard and judged the fame, had efpecial places for their abode, as the Judges firlt in the King's houfe, and after in other places, and the Pleaders, Attorneys and Sollicitors in their private Inns and Lodgings, which I fuppofe they had in feveral parts of the city a long time untill the 18 . of Edward the 3 . and in Michel. 29. Ed. 3. they had hoftels or Inns, for in that year in a quod ci to onc exception taken, it was anfwered by Willoughby and Stypwithe, that the fame was no exception in that court, altho they had often heard the fame for an exception amongft the Prentices in hoftilles or Inns, which was, as I take it, one affembled fociety in one fettled place, called
called the Apprentifts hoftells. And I have heard, but upon no ground but bare conjectural, that in times palt there was an Inn of Court at Dowgatte called Johnfon's Inn, another in Fetter-lane, another in Pater nofter row: which laft they prove, becaufe it was the place next to Paul's Church, where each Lawyer and Serjeant heard his Clients caufe and wrote the fame upon his knee: the form of which Serjeants fo writing is at this day in many places of the Guild hall to be feen, where the Serjeants with their hoods upon their heads fitt writing upon their knees, and to this day the new created Serjeants do obferve the fame, in memory of the old cuftome of Itanding at the Pillar in Paul's Church; for the new Serjeants after the feaft ended, goeth to Paul's in their habit, and there each chufeth a pillar - to hear the Clients caufe, if any come. But of thefe conjectural things I will no further intreat, but defcend to fuch matter arifing out of our queftion as record or hiftory will warrant.
Wherefore touching the Antiquity of Houfes of Law ; firt, we will fhew that they affembled together in one houfe. Secondly, why thofe Houfes were called the Innes of Court, of Chancery and of Serjeants. Thirdly, when thefe Houfes were of greateft number and where they were placed. And laftly, of the original
original and antiquity of the fame feveral Houfes of Law at this day. In the treating whereof, if I fhall not fo fully fatisfie you as I defire, and as our Learned Lawyers can (as being a thing wherein they ought chiefly to have travelled) I crave pardon, defiring you to think rather what I fhould and would do, than what my poor skill can well do.

Touching the firft (having many times mufed, that fo honorable an Affembly did never keep any note of their firft meeting, fince there was not the meaneft fociety of Religious perfons but kept a regifter of their firft foundation and fociety ) I fay it is out of controverfie, that in time the Apprenticyes of the Law, being divided into inferiores Apprenticii and nobiliores Apprenticii, did in time affemble themfclves from their feveral lodgings into one houfe, to the end they might be more at hand to conferre about their Clients caufes; but when this Affembly fhould firft be, it is hard to know, as will be alfo the original of thofe Inns of Lawyers which we now have. Wherefore I will here leave them in fome fettled place, altho' I cannot rightly fay, where, and prove the divifion of the Apprentices of the Law, to be Apprenticii nobiliores, which are the Inns of Court-men; and Apprenticii without any addition, which are thofe of the Inns - of Chancery: For Walfinghame, in fhewing that
that the Rebels in 4. R. 2. did fpoil the Lawyers of the Temple, faith, etiam locum, qui vocatur Temple barr, in quo Apprenticii juris morabantur nobiliores, diruerunt. "But in the inquifition 18. Ed. 3. it appeareth, that Ifabel Lady Clifford (as after fhall appear here more at large) did let Cliffords Inn (which is but one Inn of Chancery, and not fo noble as an Inn of court) with thefe words of Record, that fhe did let it Apprenticiis de Banco, without any other addition to them, as being Apprenticii inferiores in refpect of Apprenticii nobiliores; fo that of neceffity they mult among themfelves have a kind of Academy or Univerfity wherein the Laws mult a part be taught from other Sciences, and not in the Univerfities of Scholaftical learning; becaufe, as fayth Fortefcue in the 44. Chapter of the Laws of England, - they were taught in other Languages than were ufed in Philofophical Academies, as in the French and fuch other Latin as is not known in the Univerfitys, which well appeared by Sir Thomas More, which being in France, to crofs a proud Doctor that would difpute of all things known, did put up this queftion in Law Latin, Vtrum averia capta in Withernamium fint irreplegiabilia necne? whereof the Doctor could not underftand one word, and fo was afhamed of his arrogancy.

For the fecond point, thefe houfes wherein thefe
thefe Lawyers were fettled are called the Innes of Court and of Chancery and of Serjeants. This laft fo named, and for none other caufe, but for that the Judges and Serjeants have their refiance, lodging and diet there. But they which are called the Inns of Court have that title, becaufe in the fame fuch of the Gentry and Nobility norifhed and inftructed there, might be able to ferve the Courts both of Juftice and the King's palace. Sir John Fortefcue (being only Chief Juttice of the Bench, and not Chancellour of England, as he is untruly called by Molcafter in tranflating his book of the Lawes of England, fince he was only Chancellour to the youngeft Prince Edward and his mother after he fled with them into France) doth fay in his 49. Chapter of that book, that the Students in the Univerfities of the Laws (for fo he calleth the houfes of Court and Chancery) did not only ftudy the laws to ferve the Courts of Juftice, and profit their Country, but did further learn to dance, to fing, to play on Inftruments on their ferial dayes, and to ftudy divinity on the feItival, ufing fuch exercifes as they did which were brought up in the Kings Court. So that thefe houfes being norifheries or feminaries of the Court took their denomination of the end wherefore they were inftituted, and fo called the Inns of Court : to every of which houfes their
their did in Fortefcue's time belong 2. hundred Students or thereabouts, whereof many had their men attendant on them. The Innes of Chancery were fo called, as the faid Fortefcue in the fame book writeth, becaufe Studentes in illis pro corum parte majori juvene's funt, originalia $\xi^{3}$ quaflegis elementa addifcentes, qui in illis profcientes ut ipfi maturefcunt ad majora boJpitia ftudii illius, qua hofpitia Curiæ appellantur, affumuntur. So as that the greater Houfes of Innes of Court, were feminaries to the Court, fo thefe Innes of Chancery were feminaries to the Inns of Court.

Thirdly, thefe houfes of Innes of Court were in their height and greateft number in the time of H. б. For, as the fame Fortefcue hath, there were then belonging to the Laws Univerfity 4. Innes of Court, which are the fame now ex-

- tant, each containing two hundred perfons, and io. Inns of Chancery, each howfing one hundred perfons, being more Inns of Chancery than be at this day, for there is now but eight: which Innes of Court and Chancery were then, as they now be, placed out of the city and noice thereof, in the fuburbs of London according to Fortefcue cap. 48. where he faith, Situatur etiam ftudium illud inter Locum Curiarums illarum Є civitatem London. And a little after, nec in civitate illa ubi confluentium turba ftudentium quietem perturbare poffit, fitum eft ftudium illud, urbio © propius Curiis pradiclis, ut ad eas fine fatigationis incommodo ftudentes indies ad libitum accedere valeant. Of which number of ten Inns of Chancery I cannot think there is any yet remaining for their antiquity, but Cliffords Inn and Clements Inn, and that the old Inns of Chancery called Strand Inn and $\mathrm{S}^{\mathrm{t}}$. George Inn might be fome of thofe ten Inns. Of the antiquity of which Innes of Chancery we will fpeak hereafter, in the mean time fhewing that this placing of the Inns of Courts and Chancery within the city out of the fuburbs by Fortefcue for quietnes fake, as I conceive it, overthroweth the opinion of thofe, which fuppofe one Inn of Court to be at Dowgate, and another in Pater nofter row, both within the City.

Laftly, we will defcend to the Inns of Court and Chancery in our time, which are four Inns of Court; viz. Lincolns Inn, the 2. Temples, Inner and Midle, and Grey's Inn: and 8. Inns of Chancery, which are Staple Inn, Furnivals Inn, Bernards Inn, and Thaves Inn in Oldborn; Clifford's Inn in Fleetftrect; Clements Inn, Nen Inn and Lion's Inn without Temple barr: of whofe original we will feeak no further than may be confirmed by record and hiftorys, being fuch warrantable proofes as I have collected.

Lin-

Lincoln's Inn fituated in Newftreetnow called Chancery lane, corruptly for Chancellor's lane, is compofed of the ruins of the Black Friers houfe of Oldborne, and the houfe of Ralf Nevil Bilhop of Chichefter and Chancellour of England to H. 3. in whofe time he built that houfe and died in the year of Chrift 1244. © 28. H. 3. of whom and of his goodly Palace in Chancery lane, thus writeth Matthew Paris; Anno fub codem venerabilis pater $E$ pijcopus Ciciftren/is Radulphus de Nevilla Cancellarius Anglia, vir per omnia laudabilis © immota columna in Regis negotiis fidelitatis, Londini in nobili Palatio fuo, quod à fundamentis non procul it novo Templo confruxerat, vitam temporalem terminavit. Of whofe houfe alfo there builded, and the lands which he had, thus fpeaketh the record of Claufa i i. H. 3. parte 2.m.7. Rex con-- ceffit Radulpho N. Epifcopo Cicijfer. Cancellario Placeam illam cum Gardino, que fuit foannis Herlizun, qui terras fuas forisfecit in vico illo gui vo. catur Nemftreet, ex oppofito terre ejufdem Epijcopi. in eodem vico. Of this Bifhop's houfe and of the Black Fryers did Henry Lacy the laft Earle of Lincoln of that name, Conftable of Chefter and Guardian of England, erect a ftately houfe, which, according to the order of mott of the other noblemen's houfes, was after his title of honor called Lincolns Inn, where he made his moft abode and died in the year 1310 .

$$
P_{2} \quad \text { about }
$$

## The CAntiquity of

about the 3. or 4. year of E. 2. the preeminence thereof ftill remaining in the bifloprick of Cicefter. This houfe not many years after was made an Inn of Court and greatly replenifhed with Studians and active Gentlemen, which being, as I fuppofe, the ancienteft houfe of Court as before the Temple, was in following fundry times greatly enlarged and beautified with fately buildings, but efpecially with the gate-houfe built by Sir Thomas Lovel, Treafurer of the houfhold to H. 7. in whofe time the fame was builded, on which building he placed his own and Lacy's Earle of Lincoln's Arms. He alfo caufed the feveral Earles of Lincoln's Arms to be caft and wrought in lead upon the Tower of that houfe, which were a Lyon rampant for Lacy; 7. Mufcles voyded for Quincy ; and three wheat Sheffes for Chefter, which three were Earles of Lincoln. This houfe being fome time the inheritance of Sulliard, by reafon he was defcended of the Survivors of all the Feoffes, to whom the conveyance of this houfe was made to eftablifh the inheritance thereof in the Society, which bought that fee fimple of it of the Bi fhop of Chicefter, in the time of H. 8. He did depart with all his interelt and title therein to the company of that houfe, loofing both a fingular privilege and benefit unto him whilft he kecpt it. So that the Society of that houfe

## The Houfes of Law.

are now chief Lords thereof. But I will not trouble much therewith, becaufe there are fome of that houfe, which can fpeak better of it, wherefore we will come to the Temple.

The new Temple builded againft the end of New ftreet, was confecrated by Heraclius, Patriarch of Jerufalem, in Anno 118 s. in the time of Henry the $2^{\text {d }}$. as may appear by the ancient infcription thereof in great Saxon characters over the door going into the Temple Church yet remaining.

This houfe about the beginning of the reign of Ed. 2. was defpoiled of the Knights thereof, after that there order was condemn'd, whereupon this Temple coming to the poffeffion of Ed. 2. he gave the fame to Thomas Earle of Lancafter, who rebelling forfeited it again to the King, who after gave it to Adimare de Va-

- lence Earle of Pembroke; all which is fett down in the King's grant to Valence Cart. is. Ed. 2.m. 21. After the death of Valence, the King granted the fame to Hugh Spencer the younger during his life, after whole beheading it came again to Ed. 3. all which is fett down in an inquifition in the Tower in the $\mathrm{r}^{\mathrm{ft}}$. of Ed. the 3 . in this fort. Furatores dicunt quod Thomas Comes Lancaftric tenuit quoddam Meffragium infra Barrum Templi Londoni, quod aliquo tempore fuit Templariorum, quod vocatur novum Templum: de quo pradictus Comes fuit fefinus fimul cum alizs roíts
rebus ad idem Meßsagium pertinentilus; fed dicunt quod poft mortem difili Comitis Edwardus tunc Rex Anglia dedit Meffragium illud ad Adomarum de Valentia adterminum vita fua, fed poffea dedit idem mener. Hugoni de Spencer Funiori ©c. poft cujus mortem in manu Domini Regis nunc extitit, O nibil valeat ultra fuffentationem domorum. After, becaufe it was ordered by a council at Vienna held in the year 1324. and about the 19. of Ed. 2. That the lands of the Templars fhould be beftowed on the Hofipitals of $\mathrm{S}^{\mathrm{t}}$. Johns Jerufalem,commonly known by the name of the Knights of the Rhodes, Edward the $3^{d}$. granted the Temple to thefe Knights of the Rhodes, who, as it appeareth in Clauf. r8. Ed. 3. were forced to make the bridge thereof. After this (but at what time I certainly know not, altho' I guefs it not much from the 30 . year of Ed. 3.) the Knights of the Rhodes granted the fame to the Students of the Common laws of England for ten pounds by year, from which time they have remained there as they yet doe. Of the Steward of which Temple and Lawyers Chaucer fpeaketh in the Manciples prologuc in the prologues of Chaucer, and diverfe Authors mention how the Rebels in $4^{\text {th }}$. of Richard the fecond fpoiled the Temple and burnt the Lawyers books; of the which I will vouch you two authorities, the one of an annual written Chronicle in French belonging
ing to the Abbey of St. Maryes in York, which lived at that time, and the other is of Walfinghame. The Abbey book of York faith, Les Rebels alleront a Temple pour deftroier les $T_{e}$ nants del dit Temple छ jetterunt les meafons a le terre $\circlearrowleft$ aucgherent toutes les que ils fuerunt coverture en © alleront en lefglefce © prefteront toutes les livres $\begin{gathered}\text { rolles de remem- }\end{gathered}$ brances, que furunt en leur buches $d^{\prime}$ ins les temple des apprentices de la ley, छ portcront en le baut chymine $\mathcal{F}$ les arderunt. Whereunto agreeth Walfinghame in the words before. Here fomewhat to turn my pen to a thing not altogether againft our queftion, I have heard fome affirm upon the deftroying of the Temple by the Rebels, that there were no more Inns of Court at that time, becaufe if there had they would have been deftroyed then, fithence they went
- about to murther every one that had any fmall learning, and then mention would have been made of them as well as of the Temple; but that is no good confequence, for the Temple is not there mentioned to have been deftroyed only becaufe it was an Inn of Court, but becaufe it was belonging to the houfe of St. John's Jerufalem in Anglia; for they deftroyed it moftly for the malice they bore to Robert Hales Treafurer of England and Prior of $\mathrm{St}^{\mathrm{t}}$. John's, as they did that houfe alfo and other mannors of the faid Prior's in Clerken- fpeak of any other Imns of Court, altho there were then many, becaufe they were not deftroyed.

When Grey's Inn had original I know not; it was fometimes the mannor of Port Poole, being alfo a Prebend of Paul's and now a goodly Inn of Court, which name was revived to that houfe at the grand Chriftmas of the Temple, which then was called Ferragopontus and Grey's Inn.

That it was the Lord Greyes houfe many affirm, and I dare not deny it, becaufe I cannot difprove it, fince the denomination itfelf doth allow it to have been belonging to the Greves, but for the antiquity (a thing unknown to the moft of that houfe) as I cannot deliver any thing of certainty, fo yet it is moft certain that in the time of Henry the $4^{\text {th. }}$. it was one Inn of Court. For 2.H. 4. barr. 72. you fhall find an action of battery brought by the Chaplain of Graye's Inn.

Thus much for the Inns of Court, who have certain honorable enfigns armoryal appropriate unto them, as Lincoln's Inn a hand iffuing out of a cloud, Grey's Inn a Griffin, and the Inner Temple a Pegafus.

Touching the Inns of Chancery which now have being (for to fpeak of Strands Inn, defaced by the Duke of Somerfet for the building

## The Houles of Law.

of Somerfet place it is needlefs) we will begin with Clifford's Inn, which in the time of H. 3. was belonging to Malculme de Harley, and after came to the hands of Ed. r. by reafon of certain debts which the faid Malculme ought to the King when he was Efchetor on this fide Trent : after which John de Britany, Earle of Richmond, held the fame at the King's pleafure, and reftored it again to the King, whereby Ed. 2. in the third of his reign did grant the fame to Robert Clyfford and his heires for ever; the record whereof being patent 3.Ed. 2. mem. rg. is worth the hearing, altho' it be fomewhat long, and therefore fett down in thefe words: Rex $\mathcal{E}^{c}$. conceffimus \&̧c. Roberto de Clifford Meßswagium illud cum pertinentiis juxta Ecclefiam Sti. Dunftani Weft in fuburbio Londini, quod fuit Malcolmi de Herley, © quod - ad manus Domini E. quondam patris noffri devenit ratione quorundam debitorum in quibus idem Malcolmus die quo obiit patri noftro tenebatur, de tempore quo fuit Efceator patris noftri citra Trentam, Є̉ quod dilectus © fidelis noffer fobannes de Britannia, Comes Richmond, muper tenuit ad voluntatem noftram, quod etiam in manu noftra exiffit. Tenend. eidem Roberto 83 beredibus fuis per fervitium unius denarii fingulis annis nobis $\mathcal{G}$ beredibus noftris ad Scaccarium noftrum ad feftum Sancti Michaëlis per manus vicecomitis London, qui pro tempore fuerit, inde reddend. in perpetuum. Ita quod

## The Antiquity of

$\mathfrak{f}$ nos vel beredes noftri Meffwagium predietum beredibus predicti Malculmi ex aliqua canfa contingat reflituere, ipfum Robertum © beredes fuos indempnes confervavimus in bac parte, falvis tamen aliis feodi illius Jervitiis inde debitis. Dat. 24. Feb. After the grant of it to Clifford, it continued in the poffeffion of him, his iffue, and fome widdows of that houfe about 34. years, and then came to the poffeffion of the Prentices of the bench, as appeareth by an inquifition dated the 18 .of Ed. 3 . faying, that IJabella que fuit uxor Roberti Clifford Melfragium cum pertinentiis, quod Robertus Clifford babuit, in paroobia Sti. Dunftani W'ft in fuburbio London tenuit, $\mathcal{E}$ illud dimifit poft mortem Domini Roberti Apprenticiis de Banco pro decem libris annuatim $\mathrm{E}^{\circ}$. So that the fame hath been in poffeffion of the Lawyers 256. Years, being the ancienteft Inn of Chancery or houfe of Law, as I take it.

Clements Inn was an ancient Inn of Chancery, of fome faid to have his name of a Brewer called Clement, which fold the fame; others, as our fellow Antiquary Mr. Stow affirmeth it to be fo called of St. Clement's Church or Clement's well, becaufe it ftandeth neareft unto them both; which may well ftand together that it might either take the name of the perfon or of the place. This Inn I think to be of great Antiquity for an Inn of Chancery, for that I find a record of M. 19. E. q. rot. 6 I. in
the book of entries folio 108 . impreffion 1596. under the title of Mifnomer: where one to fhew how he was mifnamed of the place, did plead he was of Clement's Inn with thefe words, Et dicit quod ipfe tempore impetrationis brevis fuit de bofpitio de Clementes Inn in parochia Sti. Clementis Dacorum extra Barrum novi Templi London in Comit. Middlefex, quod quidem bofpitium of © tempore ante ${ }^{\text {' }}$ impetrationis brevis © diu ante fuit quondam bofpitium bominum Curice legis temporalis, nec non bominum confliariorum ejufdem legis. Thus farr that record, which called it one of the Courts of temporal law, and of the men of the Councellors thereof long before the time of this plea. M. ı9.E. 4. The inheritance of this houfe was bought by Sir William Hollyes grandfather to Sir John Hollyes now living, to whom they pay iv. lib. rent by year.

New Inn being "daughter of St. George's Inn, took his name of his latter building and new foundation. Of which $S^{t}$. George's Inn Mr. Stow writeth in his Summary of London, that in St . George's lane on the north fide remaineth yet one old wall of Stone enclofing one piece of ground of Sea-cole-lane, wherein by report fome time ftood an'Inn of Chancery; which being greatly decayed, the Lawyers removed to a common hoftery called of the fign, our Ladic's Inn, not farr from Clement's Inn, which they procured from Sir John r. Sis.
$\mathrm{C}_{2}$
Tincux,

Fineux, Lord chief Juftice of England and the King's Bench, and fince have held it of the Owners by the name of New Inn, paying vi. lib. by the year. This as fome hold flould be about the beginning of the reign of H.7. but I rather think in the time of E. 4. altho fome will have it latter than any of thefe dates, which poffibly cannot be true, for that in the time of Henry 7. Sir Thomas More was a Student in this Inn, and fo went to Lincoln's Inn, and therefore of neceffity muft be an Inn of Chancery in H. 7. his reign.

Bernard's Inn was of latter time an Inn of Chancery, being firf called Motworth's Inn, and belonging to the Dean and Chapter of Lincoln, as appeareth by a record of 32 . H. $\sigma$.

Furnival's Inn was fometime the houfe of the Lord Furnival, and in the 6. R. 2. as appeareth by record, was belonging to Sir William Furnival and Thomefine his wife, who had in Oldburn two Meffuages and 13 .Shopps, the right and inheritance of which houfe was in the memory of our Fathers purchafed by Lincoln's In:1, to which houfe it belongeth ait this day.

For the reft of the Inns of Chancery I can fay little, both becaufe I pleafure not to favour every fiction and fuppofal of their original, as for that I have only determined to deliver

## The Houles of Law.

deliver nothing but notes of record and hiftory.

Touching the Inns of the Serjeants, the houfes which they now have in Fleetftreet and Chancery lane are but of late erection; and altho Mr. Serjeant Fleetwood in his table to Ploydons Commentaries would inferr that there was no Serjeants Inns in time of Henry the vir. becaufe he faith the Serjeants and Juftices affembled at the hoftel of the chief Jultice, yet it is moft certain that in the time of Henry the $7^{\text {th }}$. there was a Serjeants Inn in Holdborn over againft St. Andrew's Church now called Scrop houfe, whereof you fhall have the record itfelf being an inquifition taken at Guildhall in the parifh of St.Lawrence in old Jurie in the ward of chepe in London. ${ }^{1}$ 3. Octob. 14. H.7. Furatores dicunt, quod Guido - Fairefax miles, nuper unus fuffitiariorum Domini Regis ad placita coram ipfo tenenda afjignat. fuit fefitus in dominico fuo ut de feodo de uno meffuagio five tenemento vocat. Serjeants Inn, fituato ex oppofito Ecclefie Sti. Andree Holdborne in civitat. London, cum duobus gardinis, duobus Cottagiis eidem Mefluagio adjacentibus: © fic inde feftus per chartam indentatam datam 8. Febr. 9. H. 7. juratoribus offenfam, dimifit, deliberavit \& confirmavit Gobanni Scrop militi Domino le Scrope de Boulton छ alius pradiflum Meffuagium ©cc. ad ufum fohannis Scrope beredum © ' AJfignatoris fuorum inperpetuum. Since 1. Sic.
which time the Juftices and Serjeants beltowed themfelves in other places where they now be, as in Chancery lane and Fleetftreet: which Serjeants Inn in Fleetftreet belonging by inheritance to Mountague, and the term of Intereft of the Judges and Serjeants being determined about fome few years paft, Mountague quarrelled with the Judges and Lawyers to remove them from thence, but in the end was forced to grow to compofition with them for certain rent, and fo they at this day enjoy their eftate in as ample manner as they did before, wherewith I end this courfe difcourfe of the Houfes of Law.



The Queftion is, Of the Antiquity, ufe and privilege of places for students and Profeffors of the common Law,

By Joseph Holland. r. Julii. 1 ror.
 HE two Temples, which is now a place for the Students of the common Law, was firt builded by the Knights Templers, which came into England in the time of King H . the firtt, as Mr. Stow in his Survey of London hath fett down; and at finft their Temple was builded in Holborn by Southampton houfe, but after they left that place and builded a new Temple by the river of Thames, this was their chief houfe, which they builded after the form of the 'Temple near unto the Sepulshre of our Lord at Jerufalem.

Thefe

Thefe Templers were at the firft fo poor as they had but one houfe to ferve two of them, in token whereof they gave in their feal two men riding on one horfe, but afterwards they grew fo rich and therewithall fo proud, that all the Templers in England, as alfo in all other parts of Chriftendome were fuppreffed in the year of our Lord 1 308. being the 2. E. 2.

And by a Council holden at Vienna their lands were given unto the Knights of St. John of Jerufalem; thefe Knights had their chief houfe in England by Weft-Smithfield, and they in the reign of K.Edw. 3. granted the new Temple for the yearly rent of ten pound by the year unto the Students of the common Law of England, in whofe poffeffion the fame hath ever fince remained. Thefe two Houfes I take to be the ancientelt of all the Inns of Court ordained for the Students of the common Law.

## [ 129 ]



Of the Antiquity, ufe and privilege of Places for Students and Profeßors of the common Laws of England,

By Mr. Whitlock.



DO not find any evidence for the antiquity of our fociety of Common Lawyers in the Temple before Edward the 3 's. time, in whole reign I fuppofe that the conveniency of the place caufed fome of that profeffion to hire and take lodgings there of the Knights of the order of St. John of Jerufalem, who granted the faid to the Students of the Common Laws for ten pounds the year rent. It may be they had the principality of houfes in thofe places, as the Scholars of Oxford had of any houfes in Oxon before any fecular men, of which there is a notable cafe in 40 . Ed. 3 . 17.b.

The moft that I find concerning Profeffors degrees of any antiquity, is in Fortefcue in his book entitled, the commendation of the Laws of England. For concerning the ftate of them as they now are, and be reputed of in the government I will not fpeak, becaufe no man here but underftandeth it ; and, as I fuppofe, our meetings are to afford one another our knowledge of ancient things, and not to difcourfe of things prefent.

Fortefcue that lived in H. 6. and E. 4. time, and was Chancellour of England, and being of the faction of Lancalter, lived an exile in France, when that family was depreffed, writ a fmall pamphlet of the Law of England in that his banilhment, wherein he reporteth, that at that time there were four greater Inns of Court, which were the fame that be now, and in them he reckoned to be at that time 200. Students in every of them, befides ten finaller houfes called Inns of Chancery, in every of which he efteemed then to be about a 100 . Students. For the Inns of Court there are not at this time any more in commons among us, when there are molt, than 200 . or io. or in. fcore, which is very feldome, and I fuppofe Fortefcue meaneth only thofe that at that time were as Refidents and Students in thofe houfes at fome times or others. So I take it, there is no great difference of the number of Students

## For study of the Comm Laws.

Students in the Inns of Court between H. $\sigma$. time and this.

He fetteth down ten Inns of Chancery at that time, and an hundred Students in every of them; at this day there are but eight, and in none of them fo many Students, but in many of them fewer. He fayth their education in thofe places at that time was in ftudy of the chiefeft points of Law in the Inns of Court, of the grounds and originals of the Law in the Inns of Chancery, in Mufick, in Armory, and generally in Gentlemanlike qualities, as he fetteth it down. There expences, faith he, is yearly twenty Merks, and that is the reation he alleadgeth why they were the men of the beft ftate and quality that were brought up there by reafon of that charge.

Fortefcue giveth this reafon, why our Law is not taught in any Univerfity as the Civil and Canon Laws, becaufe it is recorded in three tongues, whereof one only is known in the Univerfity, viz. Latin, Frencl, and Englifh. In Latin are all our Writs original, judicial Records of pleas in the King's Court and certain Statutes. French, in which we have arguments in Court, which fathion is now abrogated, certain ftatutes, pleas, judgements, and termes of that profeffion.

He reporteth, that at that time the French ufed in England by the Lawyers was farr finer $\mathrm{R}_{2}$ than
than that then commonly fpoken in France, but now it is fo barbarous as a French man cannot underftand it ; which I fuppofe is long of their refining their language, and not our corrupting theirs, for we may judge of that by the change of our own tongue.

In the fame treatife of Mr. Fortefcue, we find much written of the degree of a Serjeant, which I will fpeak of as among the priviledges of the profeffion of the common Law. He faith, that a Serjeant of the Law taketh upon him by that dignity both an eftate and a degree, and is therefore written A. B. Efquier Serjeant of the Law. He fetteth down the order of their election in this manner.

That the Chief Juftice of the Common Pleas by confent of all the Juftices electeth them, and prefents them to the Lord Keeper: the Lord Keeper by the King's writ of Subpœena warneth them to be before the King, at a day affigned to undertake the degree, or to fhew reafon to the contrary; if at that day they fhew no fufficient caufe to the contrary, then they have a day prefixt them, and do take a corporal oath to be ready at the time and place to take it, and to give gold according to the cuftome. They were then by the order of their degree to fpend 400 . Markes in the taking of it, and to keep a fcalt like the coronation for feven dayes together, and to give gold
gold after this manner, Rings of gold of $26^{\mathrm{n}}$. 8d. the peice to all Archbifhops, Dukes, the Chancellor and Treafurer; of $20^{\mathrm{h}}$. to all Earles, the L. Privie Seal and Bifhops, the two Chief Juftices and Chief Baron; of $13^{\text {h. }} .4^{\text {d }}$. to all Lords of Parliament, Mr. of the Rolls, Juftices, Abbots, Prelates, and worfhipfull Knights; of fmaller fums to the Chamberlains and Barons of the Exchequer; to the Officers of the Kings Courts, but efpecially of the Common Pleas.

He noteth further thefe excellencies of the degree of a Serjeant, that they have not the degree of Doctor of the Municipal Law of any kingdom in Chriftendome but here, that no Profeffors are fo great gainers, that they only are made judges, and they only plead in real actions in the Common Pleas.

They mult be fixteen years Students of the - Law before they be advanced to that dignity.

Their enfigne is a white furr'd cap, which they mult never put off tho' they be in the prefence of the King.

Of the choice of a Judge he writeth thus:
That 20. years time doth but bring a Profeffor of the Law to that preferment, whercas now one or two and twenty years doth not bring them to their firt reading, whereas they fhould read twice before they be Serjeants.

The King chufeth a Serjeant, and by his letters patents maketh him Juftice, and he is inducted
ducted by the Lord Chancellour, who maketh a publick exhortation to him, and fetteth him in a place certain as Prebend is fet in his ftall in the Church, and that place he fill keepeth unles he be removed by the King.
Of other ceremonies and duetys of the office of a Judge, which are known to all men by their own experience, I will not fpeak of. Thus much I thought to deliver which I have out of the obfervation of fo grave a Judge and fo expert as Fortefcue was in the time he lived.
Of the privilege of the place we live in I know of no patents or grants, but I fuppofe that the exemption of the ordinarie jurifdiction of the Temple began in the regular Knights that lived there, and fo continued in the place as it were in fucceffion to the Students that followed. It is not unknown unto us of many jarrs that have been between the Major of London and the Gentlemen there, about the carrying of his fword upright, there at the Serjeants feaft ; in which controverfies there have been many miforders committed, which becaufe they are related in our Chronicles I will not fpeak of them.


## Of the Knights made by the Abbots,

By Sir Francis Leigh.



HE queftion is, What Knights the Abbots made in the time of H. r. or before? For anfwer of which I think that Abbots made two forts of Knights, the one fuperior the other inferior, and that thofe termed milites, cannot be taken for common - Soldiers, but for a degree: for the making of Knights by Abbots in Ingulphus before the time of H. r. mult needs be intended of fome fuperior order of Knights, becaufe they contain very many ceremonies; for in all matters of honor, the greater ceremony the greater honor. And that this making of Knights by Abbots fhould be entended of Knights of greater dignity and of lefs, appeares by fome proofes out of the book of Ely, and the book de gefis Hereroardi; for Hereward, a noble man that long encountred Willian the Conqueror, was Knighted
by the Abbot of Peterborough, and William Rufus Knighted by Lanfrank B. of Canterbury; which Knighthood, had it not been honorable, would not have been accepted of fuch perfons: and the words of the Charter of 26 . of H. r.that Abbots flould not make them niff in facra veffe, which I take was their Copes, feemed to add the more reputation to the receiver. Befides I think that Abbots made other Knights, a degree inferior to the former, which were allwayes remaining in the houfe of the Abbots, and fuch as did attend upon other noble men as appeareth by many records. In the book of Reading their diet with the manner of their allowance in the Abbots houfes is fett down, and their place before Efquires; fo that thefe milites there made and harbored could not be common Souldiers, as I conjecture out of the words of the faid Charter, where it is faid, nec faciat parvulos milites, fed maturos $\delta$ dijfretos; for vain it were facere parvulos milites, who could perform no force of arms. Therefore fince every prohibition implyeth the former doing of a thing, it feemeth that before they knighted children to honor them withall, and not for fervice by reafon of their tendernefs of years. Neither can I find that ever there was here any folemnity ufed in making common Souldiers. Moreover upon the words of the Charter of H . I. I imagin that the fame liberty to

## Of Knights made by Abbots.

make Knights was a difpenfation granted by H. r. becaufe Malmesbury hath in the life of Anfelm B. of Canterbury, that about the third of H. i. it was by Synod eftablifhed, $\mathrm{Ne} A b$ bates faciant milites, which Synod decreed the fame, for that the Normans held thofe Knights by fpiritual mean not perfect Knights, and yet Hereward holding it the more honorable and more fortunate eftate to be fo knighted, would in defpite of the Normans (for fo are the words of the Author) be made Knight by the Abbot of Ely.



Of Knights made by cAbbots,

By Mr. Tate.

3. Jac. 2 I. June.
 HE foundation of this queftion being grounded upon the words of K. H. г. Charter to the Abbot of Reading, which are obfcure, before I entreat thereof, it is neceffary to explain the hardeft words therein, which are, Terras cenfuales non ad feodum donet. In the red book de obfervantiis Scaccarii, I find the revenues of the Crown diftinguifhed into firmas $\mathcal{F}^{\text {cenfus, }}$, the firlt comprehending the certain revenues, the other cafual and uncertain profits, of Wood fales and fuch like; not that the word cenfus importeth fo in his proper fignification, but in that it is oppofed to firme. The true fenfe wherein I take it to be here ufed appeareth in Caffiodor. epift. 52. lib. I. 3. variar. whofe words
words are, Augufi temporibus orbis Romanus agris divifus cenfugue defrriptus eft, ut poffefio fua nulli baberetur incerta quam pro tributorum fufceperat quantitate folvenda. Thefe terre cenfuales in our Law phrafe are lands gildable, hide and gain, that is, not wafte grounds but manured lands by no liberty or franchife exempt, but fubject to tax, and all payments laid generally upon a town, or country for the publick good. The next words ad feodum dare, are well interpreted by the Feudifts, who fay agreeably with our common Law, Feudum eft rei immobilis facta pro bomagio benevola conceffio. So K. H. r. doth here prohibite the Abbot to alien lands given him, and to create a tenure of himfelf in foccage, for homage alone maketh not a tenure by Knight's fervice, and fuch alienations the Law of our land and others did allwayes forbid, as appeareth by our writ of contra formam collationis, and by fumma Rofella in the title of Feudum. Res immobiles Ecclefire, faith that book, de novo non poffunt dari in feudum, nam © Pralati hoc jurant; fodres qua prius crant feudales poffunt iterum feudari, §i Vaffallus propter aliquam caufam perdat.

Nec faciat milites. The coherence of thefe words with the former make me ftay the fentence here. In the former words the King forbad the Abbot to create a tenure of himfelf by homage, which fervice is full of humility and
reve-

## 140 Of Knights made by cAbbots.

 reverence, but addeth no ftrenth to the Abbot by attendance of the Homager to defend his Lords perfon or poffeffions: Now this claufe forbiddeth alienation with refervation of a tenure by Knight's fervice, left the Abbot fhould have military men at his commandment: for miles here is oppofed to rufficus or formannus, a Tenant in foccage; and in other Writers I find the like oppofition or antithefis of miles and paganus. Juvenal. I. s. Sat. 16. v. 32.> Contitius falfum producere tefem Contra pazanum pofis, puam vera loquentem Contra fortunam armati,

And fo the Civil Law ufth the fame words 1 . 19.5. I.D. de caftr. pecul. I will not labour to make further proof now either that Tenants by Knights fervice are called Milites, becaufe it hath been already handled in the queftion of Knights fees, or that the Kings of this Realm did anciently raife all their force according to the Knights fees held of them mediately or immediately, the fame being fo well known in this affembly, but pafs oier to the interpretation of the words that follow in the Charter, nifi in facra vefte Clrifti, in qua parvulos \&c. The word Mrlites carrying with it a manifold fenfe, the King taketh occafion upon the former words of reftraint, by this exception to enlarge the Abbots power fo farr, as it was neceffary for him to have liberty without prejudice
dice to the realm ; as if the King fhould have faid, Though I reftrain you from making Knights, yet my meaning is not to reftrain you from making all kind of Knights. The making of fecular Knights, to defend the realm by fervice done by themfelves in perfon or others in their behalf, I will referve to myfelf and fecular men ; but the making of Knights to do fervice to Chrift, whether they be Clerks or Lay-men, I leave free to you, fo you make none but fuch as purpofe to take upon them the habit of your profeffion, advifing you only to be very fparing in receiving infants into the profeffion of your Order, that are unable to judge themfelves how they fhall have power to perform their vowes.

This I take to be the proper fenfe of K. H. г. Charter, for manifeftation whereof, and to make my entrance into the queftion, I will fpeak fomewhat of diverfe forts of Knights or Milites. All Knighthood is either Secular or Spiritual.

Secular Knighthood is either with dignity or without dignity. This Knighthood without dignity is either predial or perfonal.

Predial Knighthood is a fervice annexed to certain lands, binding the owner thereof in perfon or by fome other for him to defend the realme or fome certain place therein, in time of hoftility. Of thefe Knights mention is made

## 142 Of Knights made by Abbots.

in the general Charter of K. H. r. in the red book, Militibus, qui per loricas terras fuas deferviunt, terras dominicarum carucarum fuarum quietas ab omnibus gildds © ab omni opere proprio dono meo concedo.
Perfonal Knighthood without dignity, is a duty impofed upon a man's perfon binding him to performance of things incident to his condition, with armes or without armes, and is therefore expreffed by the names of militia armata © togata. In which refpect militare is all one with miniftrare. In this fenfe the Officers in the Exchequer of receipt are called Milites in the red book, as miles argentarius © miles camerariorum. And fo common Lawyers may be called Milites fuffitia: of whom Sarisb. 1. 6. c. r. faith, neque reipub. militant foli illi, qui galeis thoracifque muniti, in boftes exercent gladios aut tela qualibet, Sed $\mathcal{B}$ patroni caufarum, qui lap§a erigunt, fatigata reparant, nec minus provident bumano generi, guam fi laborantium vitam, Jpem, pofferofque armorum prafidio ab boftibus tuerentur.

Armed Knighthood fecular and without dignity, is that fervice which is performed in the camp by fuch as are enrolled in the captaines or mufter-mafters lift, on horfe back or on foot. And from hence fprang the difference of Equites and Milites caligati; for as Caffinxus faith, Pedeffres milites dicuntur, qui babent calizas de corio.

Knighthood that carryeth with it dignity, is that knighthood which a King or fome other authorifed by him, giveth with fome ceremony, as putting a chain of gold or collar of SS. about one's neck, or a gold ring upon his finger, girding one with a fword, or ftriking him therewith of purpofe to do him honor. Caffinæus Catal. glorix mundi, parte 9. faith, in fignum dignitatis à Principe cingi debet, ©ु gladius quo cingitur debet effe deauratus - © ifta militia collata à Principe confert dignitatem. But of other Knighthoods he faith, militia nedum eft dignitas Sed nee nobilitas. Sarisburienfis 1. 6. c. ı 3 . Recto cingulo decoratur ad militiam quifquis accedit, quia enim expeditum effe ad munia reipublice officii Jui neceffitus exigit, accingi namque folet cui gerenda imminent. Cingulum ergo indicium eft laboris, labor bonoris meritum, ut liqueat omnibus, quod qui laborem indittum militia fubire detrectat, bonorem gladia in militari cingulo fruftra portat.

Spiritual Knighthood is either virtualis or votivalis. But before I handle the part of this divifion, I will briefly prove, that as there is a fecular,fo there is a fpiritual Knighthood. Sarif. lib. 6. cap. 5. faith, Lege libros tam Ecclefiafticos, quam mundanos, quibus agitur de re militari, © manifefte invenies duo eße, que militem faciunt, electionem foil. छ facramentum. Hec enim duo communia funt biis, qui Jpiritualem § corporalem militiam exercent. Peccham's conftitutions at

Lambeth prove the fame: Sunt nonnulli, quos apparet feculum intendere perpetuo relinguere, © in clauffri excubiis velle toto fuo tempore Domino militare, qui, pravalente in iis carnali defiderio, feculum repetunt. And S ${ }^{\text {c }}$. Bernard faith, milites Chriffi fecure precliantur preelio Domini Jui, nequaquam metuentes de boftium cade peccatum, aut de fua nece periculum.

The firft branch of Spiritual Knights which I faid to be virtual, extendeth it felf to private perfons or to publick. Of the firft fort are all good Chriftians, who muft watch over their own weaknefs, that their fouls enemy furprife them not, calling to mind that which Job faith, militia eft vita hominis fuper terram, but more efpecially it concerneth Bilhops and Paftors of the Church, who are publick perfons fet over congregations, to fight againft all the enemies of faith, and the inventors of herefies and errors; and of this kind of Knighthood is fpoken in Linwood's Conftitutions in the title de Apoflatis, where alfol find the other branch of my divifion de militia votivali: of which Ecclefiaftical Votary Knights fome are ordinary, fome extraordinary. All that are profefled in any Abbey, Priorie, or Frier-houfe, may be called ordinary Votary Church Knights. But the extraordinary, are fuch of them only as have vowed by fword or lance and all Knights means to defend Chriltians.

Now from this our queftion, what order of Knights were made by Abbots in the dayes of King Henry the firft, or any time before fince the Conqueft, I exclude all fecular Knights of what kind foever they be, and of ficitual Knights I purpofe to maintain that they had power to make all ordinary votary Knights of Chrift, and extraordinary alfo, but this not without fpecial licence from their fupreme ordinary. The firlt, as a matter clear by dayly experience, I pafs over. The other I will prove by examples of other Countries; for this queftion is reftrained to time, but not to the limits of this kingdome. To the time, therefore, I will precifely hold myfelf. It is well known, that the firft of Auguft An. Dom. in 00. K. H. firlt began his reign, and that the x. of July the year before, viz. ro99. the Chrittians recovered Jerufalem from the Saracens, which Matthew Paris in his hiftory fetteth down at large: after which three religious houfes were there built; in all of which there were Knights having a dignity rather Ecclefiaftical than Temporal, as Caffinæus faith. The firft of this fort took up their habitation in part of the Temple there, not farr from Chrift's fepulchre, and therefore were called Templers, and in armor led pilgrims fafely through the Holy Land, whofe order began in the 18 . year of K. H. ı. by licence of Gelafius the $2^{\mathrm{d}}$. In the 20 . year
of K. H. the firft, certain Chriftians of the Latins built a monaftery in the valley of Jehofaphat, which they dedicated to the Virgin Marye, and firft entertained there only Latin Dilgrims, but after they were called Knights of $S^{c}$. Johns of Jerufalem, till about the $2^{\text {d }}$. year of K. Ed. 2. their principal feat being at Rhodes they were called Knights of the Rhodes. The third fort of Knights of Jerufalem were Dutch Knights, Milites Theutonici, which began by the kind entertainment of Dutch men by a Dutch Knight, and after by the Pope's licence it grew to be a Monaftery of Knights of like nature with the other two. All thefe three lived under fome certain order, as they of $S^{\Sigma}$. Johns of Jerufalem under the order of $S t$. Auguftine, and at firt under an Abbot, though after their Governors had greater names. This gave example to raife a like order of Knights at Lifbon in the Abbey of Alcohafia called Milites Calatravenfes, not many years after. But in K. E. r. time, I do not read of any fuch Knights made by Abbots in any place of England, therefore I will here conclude my fpeech of foreign Knights of order and dignity made by Abbots.

It may peradventure be objected, that before the time of K. H. i. Abbots made fecular Knights that had dignitie till it was reftrained by the Council of London, to which I fay,

I fay, that before and flortly after the Conqueft, fecuiar Knights performed fome ceremonies in collegiate or parochial Churches, but that they received any degree or dignity thereby I do not read. Sarisb. lib. 6. cap. ı. faith, jam inolevit confuetudo folennis, ut ea ipfa die, qua quifque militari cingulo decoratur, ecclefiam folenniter adeat, gladioque fuper altare pofito छ oblato, quafi celebri profeffione facta, Jeipfum obfequio altaris devoveat, छ gladii, id eft, officii fui, jugem Deo Jpondeat famulatum; Their degree and dignity was not by offering their fword, but by receiving armes of the King. And therefore when a Knight is made it is commonly faid by Chroniclers, that he was gladio cinctus, or armis militaribus bonoratus. So an. ro86. in hebdomade Pentecoffes Rex W. Conqueflor filium fuum Henricum apud Weftminfter armis militaribus honoravit. An. 1087. Robertus, filius W. Conqueforis, in Normanniam reverfus Vlfum, Haraldi, quondam Regis Anglorum, filium, Duncanumque, filium Malcolmi Regis Scotorum, à cuftodia laxatos $\mathcal{O}^{2}$ armis militaribus honoratos abire per$m i f i t$. Hovedun. If time had not ftraitned me I might have brought in fome colour for Thomas of Becket, of whom the Quadrilog. faith lib. i. cap. 8. Thoma Becket Cancellario, fere totius Anglia fed $\mathcal{O}$ vicinorum regnorum Magnates Liberos fuos fervituros mittebant, quos ipfe curiali nutritura © bonefta doctrina inftituit, छ cingulo T 2 donatos maximo remittebat. Though the Bifhop fent them away Knights, yet I think the King made them Knights. So that I fee no caufe but I may conclude, that neither Abbots, nor other fpiritual perfons had ever fince the Conqueft power to make fecular Knights or regular of any degree or dignity, but fuch only as fhould ferve within their Cloifter.


$$
\text { [ } 149 \text { ] }
$$



Of the diver Sity of names of this IJand
By Mr. Camden.
29. June 1604.
 HAT which the Poet faid of Italy, fapius $\mathcal{G}$ nomen pofuit Saturnia tellus, we may fay of this Illand, which hath as often altered the name. The knowledge of the firlt name, as of the firft Inhabitants, is caft fo farr backward into darknefs, that there is no hope for us fo late born to difcover them. The firft Inhabitants, as being merely barbarous, never troubled themfelves with care to tranfinitt their Originals to pofterity, neither if they would, could they, being without lettres which only can preferve and transferr knowledge; neither if they had let-
tres was it lawfull for them to commit any thing to letters. For, as Cæfar fayth, the Druids, which were the only wife men among them, held it unlawfull mandare aliquid literis; and had they committed it unto letters, doublefs it had perifhed in the revolutions of fo many ages paffed, and fo fundry converfions, and everfions of the ftate. Whereupon Cæfar, who lived 1600. years fince, by diligent enquiry could learn nothing of the ancient and inland Inhabitants, but that they were natives of the Ifle. Tacitus alfo, which fearched into this matter, fayth plainly, 2 ui mortales Britanniam initio coluerunt, indigence an advene, ut inter barbaros parum compertum eft. Gildas alfo and Nennius profefs plainly, that they had no underItanding of the ancient ftate of this Ifle, but ex tranfmarina relatione, or foreign Writers. Then can we hope for no light herein, but from foreign Writers alfo, and that not before the year of the World 3830 . fome 370 . years before Chrift : for at that time, as Polybius a moft grave Writer, who then attended upon Scipio, writeth, that the Regions northward from Narbone as this is, was utterly unknown, and whatfoever was written or reported of them was but as a dream.

The ancienteft memory of this Ine is in Orphei Argonauticis, but long after the time of
 that
that is, the Ille of pine trees, and afterward $\chi^{\prime}$ poov $\lambda$ ourajuy, the white land. In which fenfe the Author of the book de mundo ad Alexandrum, which is fuppofed to be Ariftotele's, calleth it Albion, and our Welch men call it Inis Wen, the white Inland, albeit fome think the name Albion to be deduced from Albion a Giant, and other from the high fituation.

When it was firlt known to the Greeks, who were the firft difcoverers of thefe Weftern parts, they called it Britannia, in my conjecture as the Country of the Brits, that is of the painted people, which was the peculiar note, whereby they were diftinguifhed from other Nations, as the Gauls from whom they were defcended were fo named of their fhagg'd hair, and their country accordingly called Gallia comata. While it was under the Romans an old Panegyrift called it alter orbis, and Ariftides N $\tilde{q}_{00 s} \mu \varepsilon \gamma^{\prime} \lambda \lambda \eta$ for the greatnes thereof, as Ca tullus, Infula ' caruli, for that it was fituated in the fea, and ultima Occidentis Infula, as the fardeft Ifland toward the Weft, and at that time, of it all the adjacent Iflands were called by the Latins, Britannic, Britannice, and by the Greeks Britannides.

When the Englifh came hither and poffeffed themfelves of the land, the name of Britain was worn out by little and little and preferved only by the learned in bookes, and they

1. Sic.
called names and count their denominations from the nations) Cnğla peor, Anglcỳm, Englecynn, $\epsilon_{\mathrm{n}} \mathrm{l}_{\mathrm{j}} \mathrm{c} \cdot \mathrm{mon}$, and the Latin Writers Gens Anglorum, for you fhall never find in Bede or any of other nations this word Anglia, but he entituled his book, Hiftoria Gentis Anglorum, which name was common to them all, notwithftanding they were fubdivided into Mercians, Welt-fex, Eft-engle, $\begin{gathered}\text { c. untill the time }\end{gathered}$ of Egbert, who is reported, being Lord and Monarch of all, to have impofed the name of Engla-lond upon all by proclamation; yet I have not obferved that name, but Engle-ric and $\epsilon_{n g l a \cdot c y m e r-p u c, ~ t h a t ~ i s, ~ t h e ~ k i n g d o m ~ o f ~}^{\text {and }}$ the Englifh, for many years after Egbert, untill the time of Knut, in which time the name of Anglia and England began to be in frequent ufe taken from the people, which came out of a part of Juitland, where they left the name of Angloen, and not of Queen Angela, nor the Giantick Angul brother to Danus, nor of Angulus orbis, which was but a poëtical allufion; as neither the people Angli were fo called of their Angelique faces, nor that they were good Anglers, as Goropius ridiculoufly deriveth them.

This only I can add moreover, when the name Britannia was difcontinued in common ufe and among Writers, that Boniface or Winefrid,

## Names of this IJland.

frid, our own Country man, called it Saxonia tranfmarina, having no other name to notifie this his native Countrey in his epiftle to Pope Zacharias, about the year 742. which name he forged, for that the Englifh Saxons had now planted themfelves fome two hundred years before.



Of the diverfity of the Names of this I/land,

By Joseph Holland.



ORASMUCH as it refteth uncertain, when and by whom this Ifland was firft inhabited, and that our Authors do vary therein, I will begin with the moft common received opinion, which is, that Samothes the fixth fon of Japheth one of the fons of Noah was the original beginner. Ile came into this land about 52 . years after the flood, and he called it Samothea, in which name it continued untill Albion the fon of Neptume, who defeended of Cham, entred the fame, and clianged the name of Samothea into Albion. Some Authors do affirm that it was called Albion ab albis rupibus, of the white chalkie cliffes in the caft and fouth parts of this land; fome others will have it come of the

## Of the diverroty of $\sigma c$.

the Greek word olbion, which fignifieth felix, a happy country to dwell in, fome of Albina Dioclefian's daughter, which is held to be fabulous. It continued in the name of Albion 608. years, untill Brute's arrival here, who conquered this land, and changed the name thereof from Albion into Bretayn or Brutayn, which name hath been diverfely expounded, according unto fundry men's opinions and expofitions, as Britania, Brutania, Bridania, Pritania, Prid cain, and diverfe others; but were it not that the name of Brute is rejected by diverfe, men of good judgement, I could be perfiuaded, that it might moft truly be called Brutayn of Brute. But forafmuch as in the hiftorys of Italy there is a large pedigree fett down,wherein they derive themfelves from the Trojans and from Æneas, fetting down his gencalogy both for Italy and France, but make no mention of Brute, and that fome of the Authors do fay, that totus proceflus de Bruto illo cft magis poiticus, quam bifforicus, for my own part, I will leave it to be decided by men of better judgement than myfelf.

This name was after changed in the time of the Saxons and called England, of certain men that inhabited a part of Germany. Thefe people drove the Britains into Wales and Cornwall, and other places of refuge, and Egbert K. of the Weft-faxons became fole Monarch of
the whole Land, and called the fame England in remembrance of that part of Germany whereof he was; wherein the Angeli or Angels inhabited. Notwithltanding that King Egbert did firft begin to alter the name of Britain, yet it was not fully changed in divers defcents after him; for I have a Saxon Charter made by King Edgar, which was the firft King in defcent from Egbert, and he writeth his ftyle in the beginning of his Charter, Ego Eadgar totius Albionis Bafileus \&c. and in the end of the fame Charter, Rex totius Britannic prafatam donationem cum figillo Sancte crucis confirmavi; in which Charter there is mention both of the name of Albion and of Britain. And the fame King upon his coin, which I have here to fhew, writeth himfelf Rex Anglia. Likewife King ※delred his fon wrote his ftyle, Ego Edelred Anglice nationis ceterarumque gentium triniatim inter ambitum Britannia infula degentium Regia dignitatis folio ad tempus Chrifti mundi redemptoris gratia fubthronizatus Bafileus An. Dominice incarnationis . . . . . .


Of the diver /ity of Names of this IJand By Mr. Agard.
29. Jun. 1604.


OLLIDOR Virgil, Humfrey Lhuyd and Mr. Camden, in their learned difcourfes having treated largely of the firft original of the name of this Ifland, being called by fome Britannia (whereof I find not any other to be the Author of that before Cæfar) and the ancient Bri tones the Wellh faying the fame to be given and derived from the name of Brute, the firlt inhabiter of this Ifland, grounding the fame of the etymology of their own fpeech, Britton or Pritton, and as the French call one of their people of Britain minor, un Britton britonnant in fcoff, faying he gabbeth out an uncouth language, I fhall not need to produce out of thefe worthy Authors, who have gathered fo many proofes both out of foreign and home Writers,

Writers, any thing, in that they are fo plain to be feen. The like may be faid of the fecond name of this Ifland called Albion, derived from the White rocks, which name alfo cannot be very ancient, taking fome finatch from the Latin; but yet I will not pretermit that excellent and worthy epitheton that K. Edgar in the foundation of the Abbey of Ely by his Charter, doth give to this Ifland of Albion in thefe words: Ego Edgarus Bafileus difta Infula Albionis, fubditis nobis fceptris Scotorum, Cumbrorum, Britonum $\mathfrak{z}$ omnium circum circa Regionum, quiete pace fruens © ${ }^{\circ}$ c. By which he knitteth together the whole Ifland being under his government, terming it a moft worthy Ifland of all other to be beloved. So as he accounteth the Britons (being Wales) the Scots and the Cumbers (which were the Picts) to be but as territories and members of this Ifland of his called Albion. And now to the third name of this Ifland or Realm which is called England, by the Saxons firft given who conquered the fame againft the Britons, I find that before the coming in of Hengiftus, there landed in the North parts of the realm long before, one Aclle with three of his fons, as is mentioned in a book of Ely. Aelle $\mho$ ejus tres filii cum tribus navibus in Britanniam venerunt, ibigue Britones multos occiderunt § villores extiterunt, ङ ipfe Aelle in provincia illorum regnare copit, ad cujus nomen beatus

## Names of this I/land.

beatus Gregorius cum Angligenas pueros in foro venales inveniret pofitos, alludens, ait alleluya illis in partibus oportet cantare. And this was in anno Domini 435. that there he entred. And of this Gregory and of the Englifh Saxons a Regifter of Canterbury maketh mention in thefe words. Primus fuit Aelle Rex Auftralium Saxonum de cujus regione $\mathcal{O}$ dominio pueri Rome venales quos notavit Gregorius, Angli ut angeli vultu nitentes fuerunt; © quia Rex Aelle dicebatur, addidit Gregorius Aelleluya in regno ejufdem fonari debere. And the fame Author fetteth it down the caufe, why after the Saxons had fubdued the realm, it was rather called England than Saxonland in thefe words. De Anglis vero, boce eft, de illa patria, que angulus dicitur छ ab eo tempore ufque in prafens manere defertus inter provincias Wectarum © Saxonum perbibetur, Orientales Angli, Mediterranei, Merci, tota Nortbumbrorum progenies, id eft, illarum gentium, que ad Boream Humbri fluvii babitant, ceterique Anglorum populi funt orti: छ quia major छ nobilior fuit populi multitudo Anglorum quam Saxonum vel Wictorum, ideo potius nominatur infula ab Anglis quam à Saxonibus five Widtis. So as it feemeth to me by thefe Authors, that the name of England began firft rather by this Aelle, than by Egbertus the firft Monarch, who followed after him many years. But this is certain, that the Saxons did abhor after their Conqueft to call the Ifland Britain, whe-
whether it were upon Gildas writing, who, without flattery of his Country men Britans, fheweth that the whole Country wasburdened with Tyrants, and produceth Porphyrius for a witnefs, who calleth it fertilis provincia Tyrannorum; or the defire they had to continue their name of that part of Saxony from whence they came, which name of it felf is ctymologed thus in an old manufcript. Sciendum oft quod Anglia duobus modis exponitur, ab an, quod eft circum, © cleos, quod eft gloria ; quafi circum circa gloriofa : vel ab en, quod eft in, $\mathcal{G}$ cleos gloria ; guafi intus gloriofa: Scilicet quia dicitur, Anglia dat florem, coelo largitur odorem. And furely that fweet name of England hath been of fingular eftimation among and above all other nations; infomuch as let an Englifh man be in company among people of fundry other nations, you fhall have him admired of them all, yea, and both of man and woman more favored and refpected, than any other in the company, as one that carrieth more courtcous, friendly, and lovely countenance before all other people, according to Gregories words. Yea, and it is not read that William the Conqueror ever attempted after his conqueft to alter that good name; thinking himfelf a moft happy man to be King over fo worthy a Kingdom, which he placed in his ftyle, and preferred before his Dukedome of Normandy. Yea, of ranking or fetting in order Chriftian Kingdomes, that England is placed before Kingdomes of larger territories, as it appeareth in a Regifter book of Rochefter, out of which I took this note written above three hundred years paft :

Imperator Romanorum छ Rex Almannia, Imperator Conftantinop. Rex ferofolymitanus, Rex Francorum, Rex Anglorum, Rex Scotorum, छ tunc Reges छr. Caftella, Legionenfes, Arogonienfes, Portugallienfes, Navarria, Sicilia, Norvagie, Dacia, Hungaria, Bohemia, Armenie © Cypri.

So as to conclude with the red book of the Exchequer, Infula noftra fuis contenta bonis peregrinis non indizet, banc igitur merito dixere priores, divitiifque finum, deliciifque Larem.


X

$$
[162]
$$



> Of the diverfity of the Names of this Ifland,

By Mr. Oldworth. 29. Jun. 1604. Names.

 A MOTHE A, Cumero, or Cimbria, Albion, Britannia and Anglia or Angulia and Scotia. An other name rather endeavored than fettled, viz. Valentia.
For the two former, viz. Samothea and Cumero or Cimbria, I find a difference, whether of Japhethes fons was the original poffeffor and Prince here, or rather from which of them it fhould receive peopling and denomination.

Holinflhed beginncth thus with Samothes. Namely that this Ifland was part of the Celtick kingdom, whercof Dis otherwife Samothes one of the fons of Japheth was the original beginner and from him called Samothea, viz. for $3+$ r. ycars.

## Of the diverfity of e'c.

Mr . Camden Clarencieux, to whom all our $\stackrel{2}{2}$. nation oweth exceeding much for the light our Cymafforded by his travels, rather obferveth that bria. Gomer, in bis ultimis Europe finibus originem dedit. To this accordeth the Author of the book Mr. John called the firlt book of the hiftory of England, Clapwho in the end of the preface thereof, nameth himfelf Philomathes, and voucheth warrant from ancient Writers, that the Cimbrians came from Gomer the eldeft fon of Japheth.

Albion. Whether from the fon of Neptune as fome imagine, or whether from Albi or ${ }_{\text {Mr }}$ Cam. Alpes, or ab olbiis or ab Albiis Gallis, or ra-den a ther Albion à Gypfeo folo, and ab albis rupibus. from the Ortelius calleth the whole Ifle Albion. Hol-Grecians. linflhed maketh a collection of the continuance of this name 600 . years, till the year mir6. before Chrift that Brutus came, and according as he voucheth Plinie, it is not the whole Ifland, but maxima Britannicarum Infularum; from Albina, an imagined daughter of Dioclefian is not approved.

Brutus many hold to be changer of the Britannia, name; and yet diverfe good Authors do much doubt of his being here, but of this the beft collection as well for variety of reafons of the Etymology, as for probability and truth we mult afcribe to the worthy and induftrious perfon I have before mentioned, whether from Brutus or no, and which Brutus, whether Ro$\mathrm{X}_{2}$ manus
manus Conful filius Silvii, or filius Hefficionis, and if of Brutus, that he took his name of Brotus, quia matri partu mortifer, quafi Brotos Grace; and for the name of people or country, thus diverfely as followeth from the Grecians. Prutaneia,Sir Thomas Elliot, a word taken for the common eftate, by which the Athenians did term redditus fuos publicos. To this agreeth the Author of the book entituled Rapta Tatio, lately publifhed touching viz. That the people were Britons of a word fignifying a mart or fair of ftuff or wares, of which this whole Ifland afwell Wales and Cornewall as England and Scotland is in one kind or other replenifled, which word marte fecmeth to have no lefs bounds than civitas, which fignifycth a whole common-wealth, as Ariftotle. Alfo Prid-cain, foil. of the Wallh forma candida, fome from the Dancs, tanguam libera Dania, Bry for free, Bridania, Freedania, Pridania, Brithania, Bretta in Spanilh from foil or earth, Prutenia à quadam Germanic regione. Britona the nimph daughter of Mars, feemeth a fiction, or of Brutus or Pritus, fon of Araxa. Brithin à quodam potu, quo ufi funt Graci is but a fleight matter. A Brutiis Italia whom the Grecians called Bretions, to which agreeth Tho. Thomafius, that Brutii were a people in Italy above the Lucani, fo called of their barbarous and bruitifl rehaviour. Divers others, as à Britone Centauro,

## The Names of this I/land.

A Britana ex ejus filia Celtice. Britani abfque origine I leave to others.

But I conclude with thefe two in my poor opinion to be moft probable and likelyeft, viz. with Mr. Camden of Brith depictum aut coloratum © Tania Regio, or from the Britaines in Armorica out of France, as well for near fituation as alfo for uniformity in language, reli-. gion, and policy between the ancient Galles and Britons, which is obferved in Mr. Clap- hanis book, and fo to be named rather the land of the people than the people of the land.

Theodofius in the dayes of Valentinianus Valencia. and Valentius Emperors, and in their remembrance endeavored to call it Valentia, as Marcellinus writeth, but it took no effect.

Ecbert A. Dom. 800 . made an Edict at Win- Anglia. chefter to call it Angles-land or Angel-land. He defcended of the Angles one of the fix feveral forts of peoples that came in with the Saxons, all comprehended under the name of the Saxons, becaufe of Hengift the Saxon, who arrived firlt of them; and not of any Queen called Angla, nor ab Angulo a Corner.


The Etymologie, Antiquity and Privilege of Caftles,

By Sir Robert Cotton.



HIS queftion maketh in it felf aptly three parts. The firt, the Etymology of the name with the feveral Synonyma: the fecond, the antiquity : the third, the privileges. For the firft, Ifidorus faith, caftrum antiqui dicebant opidum loco altijfimo Jitum, quafi cafam altam, à quo Caftellum, five quod caftrabatur ibi licentia babitantium, ne paffim vagarentur; and as a difference he fetteth this down, that vici, caftella, छु pagi funt que nulla dignitate civitatis ornantur, fed vulgari hominum conventu incoluntur, छ propter parvitatem fuis majoribus civitatibus attribuuntur. And Sigonius faith that the Romans opida frequentiores © ampliores hominum conventus effe voluerunt; Caftella minores atque anguftiores, fed majorum ambitu $\int$ eptos; vicos fine muris. Laurentius Valla defineth Caftrum

## The Etymologie, c Antiquity \&bc.

Caftrum to be Locus muris munitus: and Julius Ferettus, that Caftra difta funt à caftitate, quia ibi omnes cafte vivere debent; and arces aitua funt ab arcendo, quia arcent boftes à longe. I find this word Caftel in Latin diverfe wayes varied, as fometimes it is called Caftrum, Cafellum, arx, turris, foffa \& maceria, Mota, firmitas, munitio; of thefe I find in a Charter made between King Stephen and H. 2. five of thefe mentioned, Caftrum de Wallingford, Caftellum de Belencomber, Turris London, mota Oxenford, firmitas Lincolnie, munitio Hamptonice; the reft as diverfe of thefe are ufual in all old ftories.

For the Antiquity of Caftle, the fecond member of our queftion, it doth divide itfelf into five branches: in the firft, the firft erectors of Caftles; in the fecond, the ufual places; in the third, the matter wherewith they ufed in old time to build; the fourth, the formes they obferved; the fifth, the end and caufe of building.

For the firft, we read the firft builder to have been the founder of the Tower of Babel, whofe height Beda writeth was i174. paces; and Brifonius by his obfervation gathereth, that the Perfians were the firft ufual builders of Caftels in the world. For our own country, we find that the fort by Holland called armamentarium Britannicum, firlt builded by Caligula and after, as by an ancient infcription appeareth, fon, was the firft builded in thefe parts, next whereunto were thefe inland Caftels erected by Didius Gallus as Tacitus writeth; after this the Bulwarks erected by Severus in the Picts wall, were the certain oldeft I find remembred in ftory. I am perfuaded by the opinion of that reverend learned man Antoninus Auguftinus, That, that fort-like building ftamped upon the Coin of Conftantine the younger with this infcription, Providentia Crfarum
noteth either the erecting or repairing of fome Caftel here in England, which Occo callcth only Ediificium quoddam. It may likewife not feem unlikely, that as other inftructions fo this of fortifying, was borrowed by us here in England from our next bordering neighbours, the ancient Galli, who, as appeareth by Cærar, had the skill of it in his time : for in his feventh book he writeth, that Vercingetorix was the firlt that perfuaded and inftructed the Galli, orderly to encamp and fortifie themfelves.

Touching the places, where thefe Caftles were builded, I find neither the valleys nor the hills, nor privilege Sanctuary avoided : for Innocentius in his conititution de immunitate Ecclefie faith, that tempore necefjitatis belli, licitum eft hofpitari $\mathcal{G}$ incaftellari in ecclefia: and in high places, Perfarum Reges inftruere in altum editas arces, $\mathcal{O}$ in afcenfum arduos colles emunire, faith

Zenophon. Romana militia fuperiorem locum optabat, faith Ramus in his de moribus yeterum Gallorum. Sed Gallorum fuit confuetudo, relidtis locis Superioribus, ad ripas fluminis caftra dimittere $\mathfrak{\bigotimes}$ manire, fic Helvetii, fic Germani fub monte confederunt, faith Cæfar.

Of the third, being the matter wherewith the elder ages builded their forts, I obferve them to be fometimes earth, fometimes timber, fometimes ftone. Of earth, this kind was ufed much amongft the Romans, as appeareth in this land by many ruins of old towns and caftles of thofe times, where there can be no appearance of any fone work to be difcerned, only fortified with a great ditch and a bank inward of an extraordinary heigth: and Cæfar in his feventh book de bello Gallico, maketh a plain difference between the fortifying of fone and earth, where he writeth thus, ad Gergoviam muro ex grandibus faxis fex pedum facto, deinde ad Alexiam foffa © maceria fex in altitudinem pedum perdutta. In one place Cæfar calleth it a wall, in the other Ramus underftandeth it a heap of earth. Of forts of timber, Herodotus in his ninth book fayth, that the Perfians fled into their wooden walls, which the Lacedxmonians skilld not to affail, as not having the experience of caftles or wall'd towns amongft them. Vitruvius in his fecond book defcribing the Caftle of Larignum upon the Alpes, faith
that Cæfar coming to affault it, he found the moft refiftance made from a Tower builded of timber, which affailing by all means poffible to burn, he could not prevail as being a fubftance not combuttible. Scipio burned the Caftles of the King of Numidia being made of timber. And Cæfar had much to do to gain the Caftle or Town of Cafibelane, which was for the moft part ftrenthned by timber and trees.

For the feveral formes Vitruvius in his firft book faith, that Turres rotunda aut polygonia funt faciende, quadratas enim machine celerius diffipant, quia angulos arietes tundendo frangunt, in rotundationibus (ut cuneos) ad centrum adigendo ledere non poffunt. An other ufed Severus, who, as Suidas noteth, building the walls of Bizantium made feven Towers à Thracia porta to the fea; in the firft of which tower, as he faith, $\sqrt{1}$ quis inclamaffet aut lapidem conjeciffet, cum ipfo refonabat, tunc eundem fonum fecunda छ ceteris omnibus qua/i per manus tradebat: of this form fome have dreamed the Picts wall was made here in England.

Touching the ufe and end of caftles, I have noted fome builded as monuments, other for peaceable ufe and ormament, other for defence. For the firlt Berofus writeth, that Nembrot founded that great Tower in the field of Senaar, to the hight and lighnes of moun-

## And Privilege of Cafles.

tains in fign and monument, quod primus in orbe terrarum eft populus Babylonius: and Adrichomius in his Theatrum terre fandte, fpeaking of Tamberlane rafing of the city of Damafcus, faith, capte vero urbis poft fe trophrum reliquit tres ex calvariis caforum turres fummo ingenio eredtas: and Cromer in his fecond book of his hiftory of Poland writeth, that Lefcus, the firt Duke there, builded a caftle where he found an Eagle-neft, and called it Gnafno, which is the fame in the Poland language as a fign of happy fortune, and bore an Eagle in his armes, which is untill this day fo continued.

For peaceable ufe and ornament were thefe towers by the temple of Jerufalem built, upon the top whereof fome of the Priefts ufed to found filver trumpets for affembly of the people, which were called turres Buccinatorum ; from whence no doubt were derived our towers or fteeples ufed to the fame purpofe, their trumpet being changed into our bells. Solomon builded that goodly tower of Libanus to overlook Damafcus ; fome like done by our Kings and Nobility may we find. For ornament was builded that tower of David in Jerufalem, of which in the Song of Solomon is faid, ficut turris David collum tuum quee adificata oft cum propugnaculis: mille clypei pendent ex ea, omnis armatura fortium. And Tiraquellus in his 37. clapter of nobility quoteth this for law, fi pauper

$$
Y=\quad \text { nobilis }
$$ Ctum, quod per paupertatem ei reficere non liceat, poteft cogi ad condendum, ne civitas bujulmodi ruinis deformetur.

For defence, we find many builded for refiftance of foreign invading enemies, as the many bullworks raifed by Severus in the Picts wall, as Orofius writeth; and divers in the Heptarchy erected upon the frontiers of their neighbouring Kings, and many fuch upon the coaft, and apteft havens for landing, have been builded. And for repreffing rebels, and fure eftating this country under the Roman fervitude, it was by Didius Gallus thought mett to build many caftels, which he did farr within land; which obfervation till fince the conqueft was thought expedient, untill the Kings of England, as H. 2. and his followers found that thefe retiring places of fafety were the caufes of thofe many revolts of his Barons, whereupon many hundreds of them were rafed by commiffions, and fome by writ to the Sherif; and a law enacted, that none afterward might without efpecial licence enbattel his houfe: of this opinion, as Ferettus writeth, was Timolion of Corinth, qui docuit deffrui arces omnes ubi fe recondebant tyranni; and it feemcth the Polan Kings as fufpicious of danger thereby, for Uladillaus and Kafimerus their Kings have ordained a law, as appears in their

## And Privilege of Caftles.

Polifh Statutes, that nullum caftrum feu fortalitium regni Polonic ' aliquo Duci vel Principi committatur. But let this reft as it is, a well argued paradox among our martialifts, for I reft fatisfyed with that of Horace in his 16 . Ode, lib. 3 .

Aurum per medios ire fatellites
Et perrumpere amat Jaxa, potentius Ittu fulmineo.

\author{

1. Sic.
}



Of the CAntiquity, Etymology, and Privilege of Townns,
By Sir Robert Cotton.
23. Junii 42.


OR the firft branch of this queftion, the antiquity of Towns, it hath been partly in the other two laft of cities and caftles difcourfed of, neither nced there arife any doubt but that we have had here in England, Towns as anciently as in moft other parts, fince in our eldeft forys even at that firft difcovery by Cafar, we read him to have found a Town of Cafibelane a King of this country. And the like love of fociety, out of all queftion, which reformed the rude and elder world in the firft inhabited
countrys from their favage life to dwell together, bred in us at our firft poffeffion of this land the like effect, fo that we mult account our Towns antiquity from our firft tranfportation hither, which was, in all likely fuppofition, when our next neighbour and mother country France was fully impeopled.

For the etymology, we may confider the ufual Latin, Britifh, Saxon, and Englifh names for Town, as Oppidum, Burgus, vicus, villa, pagus, that are ufed in our country ftorys or records.

1. Opidum, faith Varro, maximum eft edificium ab ope dittum, quod munitur opis gratia. And Pomponius in de verborum fignificatione faith, ab ope dicitur, quod ejus rei caufa mania funt conftituta. Opidum ab oppofitione murorum, vel ab opibus recondendis, faith Ifidorus in his xv. book, and that it doth differ magnitudine © monibus a vico छpago, yet doth it contain in it vicus, for Varro in his fourth book de lingua Latina, faith, in opido vici à via, quod ex utraque parte vice funt adificia: and Rofinus in his firft book and 12. chap. de antiquitatibus faith, that a city and town is divided, in regiones tanquam in majora membra, in vicos tanquam minora: fo in Rome there was vicus Loreti majoris in the xiII. region, vicus Tiberi in the xiv. region, vicus Lanarius in the third. So London hath in it divers wards or regiones, and thofe wards divers ftreets or vici. I may conjecture that thefe places with in dignity and ufually taken for any city, Rome excepted) were thefe that the Saxons called Cafter and Caftor, and we here in England now for as many as remain flourifling, term our boroughs of Parliament, as Verelamium firt, Verlamcefter after, and now the Burrough of $S^{t}$. Albans. And we ufe this word Burgus, Bury, Borough, being all one a common name for a 'Town : as Richborough, Peterbourg, Edmundbury, Tilbury; even as we do Tona, Tuna, and Town for moft of our Englifh villages, and adjunct for the like vicus; which, as I conceive, we term in Englifh wick, and Bonwick ufually in Domefday : the firf being a common addition to many towns in England, as Lowwick, Southwick, Stonwick; and holdeth the fame derivation in Holland; for that place which is written in their own tongue Nortmick, is in the Latin Nortovicus, hath its etymology, as Ifidore faith, à vicinis babitationibus, zel quod vias babet fime muris, and in his 15 . book, co quod fit vice oppidi; and Brifonius in de verborum fignificatione faith, that, vici pro pagis accipiuntur.
2. Villa by Columella in his firft book and 6. chapter, is divided into three parts; in Vr banam, rufficam, fructuariam. Vrbanam fuiffe apparet, quam fibi Dominus, qui urbem incolebat, adificabat. Rufticam, quam Villico procuratori, inftrumentifque rei ruftica. Fruffuarimm, qua.frugibus
condendis parabatur. Scaliger noteth vila pro villa to be often, becaufe the former timeufed not to double their confonants. AndHotoman for the Etymology of villa in his Commentaria verborum juris noteth; Ruftici viam veam appellant propter vecturas, Эૅ vellam non villam quo vebunt.
3. Pagi, Brifonius noteth were villages ufitally feated nere to fprings, from whence it took the name; and Ifidore defineth them to be apta adificiis loca inter agros habitantibus; and they be alfo called Conciliabula, à conventu © $\int 0$ cietate multorum in unum.

For the privileges, I muft leave to the obfervation of the Students in Law, only this I find that it was not lawfull in former time to build any town or city without the licence of the King, of which Caffiodore, in his 4 . book variarum, noteth a grant to one Albinus, a Senator, for that purpofe, from Theodoricus the Goth. And in the foundation of Croyland the King granteth to the Abbot, as Ingulfus noteth, a licence to build a town there. And E. r. 29. of his reign, directeth his writ to John de Britton wardor of London, to choofe four fufficient men to devife, ordayn, and array a new town for the beft profit of the King and his Merchants.

## [ 178 ]



## Of Dimenfion of land,

By Sir Robert Cotton.



HIS word meafure is by fome defined to be quicquid pondere, capacitate, longitudine, latitudine, altitudine animoque finitur. Two only the which fall fitt to our queftion, lenth and breadth, which is reftum © planum; the firlt being meafured only in lenth, and not in breadth, as lines, miles, and fuch like; the other in lenth and breadth, as fields, fituation of houfes, and thefe like. By the firit of thefe and from the right courfe of the fame, as Poftellus faith, the Ltrufcan Soothfayer firt divided the world into two equal parts, the one called dextra, que Septentrioni fubjacebat, the other finiftra, qua ad meridianum terrarum eßet occafum. Our Elders thus dividing the world into parts, parted thefe into provinces, the provinces into regions, thote

## Of Dimenfion of land.

thofe regions into territoria, (fo called à territis fugatifque inde boftibus) which word Siculus Flaccus ufeth only for thofe places the Romans had conquered, and new beftowed and divided. Thefe territorics they into fields, and called them Quifforii Agri, of the Queftors which were appointed by the people of Rome to fell and divide them, and thefe ufually were parted into duo centena jugera, upon which a hundred perfons were placed, and was called Centuria agri divil! $\mathcal{G}$ affrgnati. Thefe, faith Lampridius, were by Severus the Emperor firf given in inheritance to the fons of the emeriti or veterani. The other were agri occupatorii arcifinales, called fo ab arcendis hoftibus, and agri Soluti, qui nulla menfura continentur, but Secundum antiquam obfervationem. The other was ager compafouus, left out at the firlt divifion for the neighbours in common. For the manner of limiting the fields, Frontinus faith, ante fovem limites non parebant qui dividerent agros, छ ideo pofitus eft limes ut litem decerneret. They did firft, in imitation of that firlt divifion of the world, caft them from eaft to the weft, and called that Duodecimanum, becaufe it divided the ground into two parts; the other from the fouth to the north faith Higinus, guem Cardinem, à mundi cardine nominarunt. Many other divifions they ufed, cafting them as near as they could to follow the courfes of the fim, as Scutellati, temporales \&c. They bounded their fields fometime with trees, which they called notatas arbores; with ftakes of wood fometime; and fometime with heaps of ftones, which they called Scorpiones; but moft with lapides terminales, which were made into divers figures, fome were called Ortbogoni, Piramides, Rhombi, Semicirculi, arcifinii, fignati and femitati, and fuch like; the laft being allwayes erected in religion of Pan, Hercules or Ceres. The other, fignatus, fo called, becaufe it had on it fome fign or picture fignificant for the direction of the limits : thefe ftones have been found in fome places of this land, and under them great ftore of afhes and coles; thereupon, faith Siculus Flaccus, is that before they fett down any of thefe meare-ftones, they ufed in the place to make a facrifice of fome beaft, and pouring in the blood mingled with wine, frankincenfe, herbs, hony-combs, having after anointed the fame with ointments, and crown'd it with garlands, and then placing it fupra callentes reliquias. In latter time here in England they divided their land into hides, ufually taken for fixfcore acres, carucate, and acres; and after, for I find none of them mentioned in Domefday, into virgatas or feliones, being uncertain according to the cuftom of the comntry. Our fens are in record meafured by

## Of Dimenfion of land.

Leuce © Quarentena, and divided with Curta lana, by a law made by Canutus, and executed by Earle of the eaft Anglorum, who gave to every fen-bordering town tantum de marifco quantum de ficca terra. Thus much in hafte.



Of the antiquity of motts andwords, with c Arms of Noblemen and Gentlemen of England.

By Sir Robert Cotton.



F I ftrait this queftion to the common acceptance, my difcourfe mult be to you, as the queltion is to me, flender and ftrait. But if I take liberty to wreft it, whither the letter will lead me as to Impreffes, of which nature Arms with their words are, it will grow more tedious than the time, wherein fo many muft deliver their opinion, will permit. And therefore to falhion the one to the other, both to my own ignorance, I fhall fitt the time tho not the queltion. And firf, I muft intreat you to allow for antiquity of Arms, which is the fupportation of our mott or word, that all fignificant portratures painted in fheilds were and are accounted whereof, firlt grew from the Egyptian Hieroglyphicks, by which means purpofes were delivered by natural characters: as in writing fortitude, they formed a Lion; luft, a Goat; watchfullnes, an Owl. Hence men to depicture their vertuous affections ufed on their fhields fome of thefe fignificant figures, adding no mott nor word at the firft, in that fo long as the tradition of that natural learning lived in men's practice, it was needles; but after the fecret myfteries of thofe bodies (for fo Jovius termeth the painted formes) were worn from their true underftanding to ferve only for a diftinction of perfon or families, for fo now Armes are, they were allured to add thereunto a foul, to that fenfelefs body; for fo he entitleth the mott or word; concluding it now neceffary that the one muft accompany the other under certain limitation, as that the one mult not be above three words, the other not charged with many differing figns or colours, which we hold ftill a fecret of good heraldry. Thefe armes or impreffes are either to private perfons, or families; the firft more ancient, for he that did formerly perfon a King bore in his fhield as note of Soveraignty fome beaft or bird royal. So did ' Agamemnon at Troy a Lion; the like did Fergufius ${ }^{2}$ the Scott,
fince received by the Kings of that country. Cxfaran Eagle as Emperor, fince approperd to the Empire to this day. Amongft all our Englifh ' King, Arthur is by Vincentius ${ }^{2}$ faid to bear in fign of fanctity and religion the figure of our Lady upon his fhield. Cadwalador for his fiercenefs, a Dragon. Divers of our Saxorn Kings for their devotion, a Crofs; as S . Edward. And fome for their principality and rule, Leopards and Lions; as our Kings fince the Norman conqueft. But for a word annexed to any imprefs or Armes, I cannot remember any here, before H. $\mathbf{2}$. who is by fome Writers obferved to bear a fword and olive branch together, wrethed with this word utrumque. Such a like in regard of the connexity, tho not in like fenfe, was that Dolphin twifted upon an anchor on Vefpafian's coin, with this word, fefina lente. Richard the firt ufed a maled arm holding a flivered Lance, the word, Labor viris convenit. E.4. his white rofe clofed in an imperial Crown, the word, rofa fine Jpina. E. б. a fon fhining, the word, idem per diverfa. Quecn Mary a fiword erected upon an altar, pro ara © regni cuftodia; but more fubtle than any of thefe, was that of the laft Scotch Quecn Mary, who, after her French marriage,ftamped a coin where on the one fide was the impalled armes of Scotland and Trance, on the othe $e_{1}$

1. Sic. 2. Vincentius 1. 2. car. 56.

## And words, with Arms 6oc. 185

between two Illands and a ftarry heaven two Crowns Imperial, the word, aliamque moratur. Thus much for impreffes perfonal and not hereditary. For fuch as follow families, I think they cannot prove very ancient, fince Paulus Jovius plainly delivereth, that the firft that annexed that note of dignity to a fanily, was Frederick Barbaroffa to his beft deferving fouldiers, which falleth to be in anno II $\boldsymbol{y}_{2}$. and the 17. of our King Stephen: from which ground it may feem our Kings affumed it near that time, for I find no badge of any family untill King John, no not of any of our Kings upon their feals before Richard the firt ; and for any mott or word ufed to any fuch armes, I note none before that of Edward 3. Hony foit qui male penfe, proper only to his order, untill Henry the 8. time; whence from I take we borrow thofe fentences or words which I pafs to remember, in regard of their multitude, fince they fall fitter to thofe better Students of Armes to obferve.


## Of the Antiquity of Arms in England,

By Mr. James Ley.

 N confidering of Englifh Armes, it is not improper to refpect three things; firt, the diverfity of nations that have conquered this kingdom, and the variable ufage of Armes and tokens by them. Among whom the Britains being firft were a nation in the beginning, and long after barbarous and ignorant both of Arms and Military ornaments. For Cæfar teftifieth, ${ }^{1}$ that Britanni pellibus funt veftiti, omnes vero fe lutto inficiunt, guod creruleum efficit colorem, atque boc borribiliore funt in pugna afpectu. The Romans were the fecond nation that governed this land, and the firlt that ufed any knowledge or exercife of Arms, who, mingled with the Britains, tempered the fiercenefs of their natures, and taught them martial difcipline. Neither

1. Cafar de bell. Gall. lib. 5 . fol. 78.
can I find any occafion to fufpect, that Arms were born in this Illand untill the entrance of Julius Cæfar, of which time I may not doubt, but that fuch martial tokens were regarded, fince Cæfar fpeaking of his firft landing here, fayth, ' at noffris militibus cunclantibus, maxime propter altitudinem maris, qui decime legionis aquilam ferebat (conteftatus Deos, ut ea res legioni feliciter eveniret ) defilite, inquit, milites, nifi vultis aquilam boftibus prodere $\xi^{3} c$. Out of which a twofold obfervation doth proceed, one touching the bearing of Arms, in that the Roman Aquila or Eagle was their enfign : the other concerning the law of Arms, that the not feconding the enfign was to betray the fame to the enemy. But whereas fome do attribute unto the Roman eftate the bearing of a fhield of azure, and therein the letters S. P. Q.R. in bend argent, whether that were born for Arms, or elfe an abbreviation of the name of the Roman common-wealth, Senatus populufque Romanus, I leave to others to decide. And as the Romans advanced their enfign of the Eagle as proper to their nation in that age, to the end their legions might thereby be known, fo Cæffar himfelf accultomed to wear an upper garment of a feecial colour, thereby to be difcerned from others. For writing of himfelf he faith ${ }^{2}$, accelerat Crefar ut prolio interfit, ejus ad-

[^20]ventu ex colore veftitus cognito, quo infigni in proliis uti confueverat $ઉ$ ऊ. Which garment, although being but of one colour, may neverthelefs deferve the name of a coat armour. After C far's time, the Chriftian faith being brought into Britain by Jofeph of Aremathea in the time of Lucius, the fame nation (as it is by moft men admitted) took the crofs gules in a filver field, with a crofs of torment in a camp of mercy; which crofs might more aptly be a plain crofs, in refpect that kingdome received Chriftianity in a time of the plainnefs and fincerity of the preaching thereof; and Conftantine the Great alfo ufed a crofs in his ftandard. But when the regiment of the Romans became quailed, and Aurel Ambros the Britifh King was in the way between life and death, there appeared a ftarr of marvellous greatnes and brightnes, having only one beam, in which was feen a fiery fubitance after the fimilitude of a Dragon, which Merlin expounded to fignifie Uther Pendragon; who, after his brother's death, obtaining the Crown in remembrance of that ftarr, juffit 'fabricari duos Dracones cx auro, ad Draconis fimilitudinem, quem ad radium ftella infpexerat, qui ut mira arte fabricati fuerunt obtulit unum in Ecclefia prime Jedis Guintonix, alterum vero fibi ad ferendum in pralio detinuit, ab illo ergodie zocatus eft Uther pen dragon, quod Bri-

## Arms in England.

tannica lingua caput Draconis appellamus; whom in like fort the Saxons called for the fame caufe spak Hered, and this Dragon was ufed pro vexillo per Regem ufque hodie, as faith ' Matthew Weftinonafterienfis, who lived in the time of K. Edward the firft, and this Dragon, or not much unlike, is one of the regal fupporters at this prefent. King Arthur the fon of Uther forgot not his father's enfign, but in the battle of Lathes hill, wore his helm adorned with a Dragon for his creft, as Monumetenfis writeth ${ }^{2}$ : Ipfe vero Arturus, lorica tanto Rege digna indutus, auream galeam fimulachro Draconis infculptam capiti adaptavit, bumeris quoque fuis clypeum vocabulo priwen, in quo imago Sancta Maria Dei genetricis impitta ipjam in memoriam ipffus frapiffime invocabat: and in another place he faith, Ipfe (Arthurus) elegit fibi \& legioni uni quam fibi adeffe affectaverat, locum quendam, quo aureum Draconem infixit, quem pro vexillo babebat, quo vulnerati diffugerent. By which it is evident, that King Arthur bore for Arms in his fhield the image of our Lady, and for his creft and in his ftandard a golden Dragon : and when the Brittons, oppreffed by the Picts, invited the Saxons or ancient Weftphalians to their aid, Hengitt and Horfe being their leaders, acknowledged none other enfignes but pullum 3 equinum

[^21]atrnm, qua fuerunt vetufififima Saxomice arma; not without a manifeft allufion unto their name of Weftphali, Valen or phalen, or (as we in Englifh have made it) foal, fignifying a colt, and meft importing thofe that dwelt on the weft-fide of the river $V_{i}$ furgis or $W_{e} f e r$ : which Armes their kindred that remained in Germany changed into contrary colours, and their pofterity, which encreafed in England, forfook for other different Arms upon their firft reducing unto Chriftianity. For I find that in bello ' apud Beorford in vexillo Aethelbaldi erat aureus Draco, which is not unlikely to have been borrowed by imitation, or challenged by conqueft from the Britons. I cannot well affirm the bearing of Armes by them, qui ${ }^{2}$ fupparum, id eft, camifiam Dei genetricis (quam Carolus magnus de Hierofolyma veniens, apud Carnutenfem urbem in monafterio ejufdem Virginis pofuerat) in editiori comitatus loco pro vexillo ftatuerunt. Bue it is plain, that the golden Dragon continued untill the time of Edmond Ironfide, fince it is fett down that in the battlc between him and Knute the Dane, Regius; locus fuit inter Draconem © ftandardum; which Dragon was rather the official enfign than the corporal Armes, the fame being (after the baptifin received and difperfed ) a crofs patee gold in a field of Azure, as may appear by the reverfe of diverfe
$$
\text { 1. Matt. Weftm. p. 273. 2. Iden } 354 . \quad \text { 3. Idemp. } 399 .
$$
of their coynes; and as the fame badge of baptifm profpered, fo in proces of time the ends of this crofs alfo florifhed, and in conclufion was contented to yeeld room for four or five Martelets in the field, untill the Norman acquifition; when as fecurity was fubjected to conqueft, and Englifh inhabitants gave way to Norman Chevalry, fo the
was changed into a fanguinean field, and the crofs removed place unto the two Lions or Leopards, tho furioufly paffant yet advifedly gardant. The fecond obfervation is, that in thofe elder times, in which ornaments of honor had more reputation than perfection, it oftentimes happened, that the protrature and figure was more refpected than the colour, infomuch that fometimes one thing was ufed by one man at feveral times in feveral colours, of which I will only cite two authorities or prefidents. It is known to all men, that the Eagle fable is and allwayes was the imperial enfign of the Romans, and yet one Lucius Tiberius a Roman captain in a battle againft King Arthur, auream ' Aquilam, quam pro vexillo duxerat, juffit in medio firmiter poni. So that either the colors were not then exactly obferved, or elfe Geffrey Monmouth is not alwayes to be credited. Cæfar alfo writing of the battle and victory againft Pompey affirmeth thus, figna

[^22]militaria

militaria ex pralio ad Cafarem funt relata clxxx. $\xi$ Aquilc novem : which could not be without confufion, that fo many Eagles fhould be born in one camp, but that fome of them did at leaft differ in colours from the others; and it were ftrange that nine Legions fhould feverally follow the like number of Aquilas, and yet the colour of them all to be black.


Forefto,


## Forefta,

By James Lee.



HE word Foreft, is derived of foris ftare, which doth fignifie to ftand or be abroad, and foreftarius is he that hath the charge of all things that are abroad, and neither domeftical nor demean; wherefore Forefta in old time did extend unto woods, wafts, and waters, and did contain not only vert and venifon, but alfo minerals and maritimal revenues. For proof whereof the words of Johannes Tilius ' are thus, Gubernatores $\delta^{3}$ cuftodes Flandrice ante Baldminum, qui à brachio ferreo dictus eft, erant officiales arbitrio Regum Gallorum mutabiles $\Xi^{\circ} c$. tum autem dicebantur Foreftarii, id eft, faltuarii; non quod ipforum munus agrum tantum fpectaret, qui tum confertus erat fylria carbonaria, fed etiam ad maris cuftodiam pertinebat; nam vocabulum illud Foreft, prifco fermone \&.Lii. . . B. in infe-
inferioris Germanix reque aquas ac fylvas fpectabat. And to this effect the fame Author doth cite diverfe prefidents of Charters, granted by the Kings of France. So that it appeareth by this and diverfe other authorities, that the Governor of Flanders, under the name and title of the Forefter of Flanders, had the charge both by land and by fea and of the general revenues of the fame country. Neither is the eftate of forefts in England unlike unto that in Flanders, in fo much as the charge and articles which are to be inquired of in the court, called the feat of the Juftices Itinerants of the foreft, do not only tend to the prefervation of the game, but alfo extend to fee a juft furvey, and to call a full account of diverfe kinds of profits, iffuing and happening, as the fermes of afferts, purpreftures and improvements, the wood and timber called Greenhawgh, herbarge for cattle, paynaige for fwine, mines of mettals and coales, quarries of ftones and wrecks upon the fea-coafts. But when Forefts were firft ufed here in England, for my part I find no certain time of the beginning thereof. Yet, I think, the name of Foreft was known in England, tho not in fuch fenfe, as now it is taken : and altho that ever fince the conqueft (as the Readers upon the Statutes de

- Forefta do hold) it hath been lawfull for the King to make any man's land (whom it pleafed


## Forefta.

him) to be foreft, yet there are certain rules and circumftances appointed for the doing thereof. For, firft, there mult iffue out of the Chancery a writ of perambulation, directed unto certain difcreet men, commanding them to call before them xximi. Knights and principal freeholders, and to caufe them, in the prefence of the Officers of the foreft, to walk or perambulat fo much ground as they fhall think to be fitt and convenient for the breeding, feeding, and fuccouring of the King's Deer, and to putt the fame in writing, and to certifie the fame under the feales of the fame Commiffioners and Jurors into the Chancery; after the full execution of which write, a writ of proclamation is to be fent into that fhire to the Sheriff thereof, commanding him to proclaim the fame to be Forelt : upon the making of which proclamation, the fame ground becometh prefently Foreft, altho it be the land of any fubject or of the King. And as there are prefcribed circumftances to the making of a Foreft, fo there are fett down diverfe laws and ordinances by the Statutes of Charta de Forefta, and of Articuli de Forefta and other ordinances, for the prefervation thereof, which, in truth, may be more rightly accounted qualifications of the rigorous laws of William the Conqueror, qui 'proferis homines mutilavit, ex--
beredavit, incarceravit, trucidavit, of 反q quis cervum vel aprum caperct, oculis privabatur. Moreover, notwithftanding $K$. Henry the third by the great Charter of Forefts Chap. 3 . had granted that all woods, which were made Foreft by King Richard his uncle, or by K. John his father untill his coronation, fhould be forthwith diffaforefted, unlefs it were the King's demean wood; yet the fame Charter took no great effect, but the officers of the Foreft not only continually greived the fubjects by claiming libertie of foreft in their lands, but alfo King Edward the firt in an. 7. of his reign, caufed feveral perambulations to be made throughout all England, by which he made Forefts as much or more of the fulbjects lands than his own demeanes of the foreft amounted unto; but the fubject, finding themfelves greatly oppreffed thercby, did make earneft fuitt to the King for redrefs; who, firtt, by diverfe acts confirmed the great Charter, and afterwards in anno 28. caufed a new perambulation to be made by Commiffioners through all England, by which the greateft part of the fubjects lands taken in before, were then clearly left out and freed, and afterwards in confideration of a fifteenth granted unto him by the fulbjects of the fame King in anno xxix. confirmed the faid laft perambulation by act of Tarliament, which laft perambulations and none elfe, do ftand good at
this prefent, as it was ruled in a cafe before the Judges in the King's bench in Hillarie term, An. xxxiri. Eliz. R. upon the traverfe of an Indictment between the fervants of Edward Earle of Hertford and the Queen's Majeftie, in behalf of Henry Earle of Pembroke, concerning the bounds of the Foreft of Groveley in the County of Wilts; and as concerning fuch ground as being taken in by the firft perambulation, were afterwards left out by the laft, the fame be at this day called purle, not of pur luy, id eft, for himfelf, nor of pur la ley, id eft, for the law (as men commonly think) nor of pur le purrail, i. e. for the poor commoners (as the readers do fuppofe) but of the word pur aller, or per aller, which is the French word to walk or perambulat, in refpect they were firft perambulated and walked, and fo retain the name of terres pur aller, or perambulated and walked ground, and yet no foreft.


Of the Antiquity of the office of the Cbancelor of England,

By Mr. Ley.

Etymology.


HE name Chancellour is by fome faid to be derived $\mathfrak{a}$ cancellando, becaufe he may cancell or fruftrate fuch things as are brought to the great feal, and cancel and make vacat of fuch records as are furrendred or acknowledged to be fatisfyed; to which opinion I do not affent, becaufe all names of offices are derived of the moft ancient, ordinary, and frequent functions thereof; but the Chancellour hath longer ufed rather to make, expedite, and feal writts and patents, and to receive and preferve records,

## Of the Antiquity of the \&oc.

than to ftay or to deface them. Others think, that the power judicial whereby he mitigateth the rigour of the common law, and, as it were, includeth the extremities thereof within the limits of a good confcience, hath given that appellation ; from which opinion I mult differ, fince the name of Chancellour is much more ancient than that power; for, that caufes were ufually determined in the higher houfe of Parliament by Committees for that purpofe, as appeareth by the infinite number of petitiones in Parliament, filed in bundels and remaining in the Parliament, and by a book, which I have feen, containing the fame, as alfo by the fcarcity of decrees and bills in Chancery in former ages, and none to be found before the xx . year of H. 6. I rather conjecture, that other Courts being publick for the accefs of all men, and being quali in foro for hearing and ending of civil and criminal caufes, the Chancery was a more private and fequeftred place, and enclofed from the prefs of people where the Chancellour might fit and obferve the fealing of writs; and as the Clergy (as Matthew Weftminfter writeth) were by Pope Felix feparated from the people who fat before intermixt, and placed in a place peculiar called the Chancel; fo it is likely, that the Chancel had his precinct, of which by derivation he is called Cancellarius, which if it had have been Cancellator than Cancellarius. Antiquity.
The firf Chancellour that I find was Dunftanus, who is faid to be Cancellarius Regius, who lived in the Saxons time, both in and before the time of K. Edgar.

Authority.
The Chancellour hath two powers, the one minifterial, the other judicial : the minifterial, as the making of original writs, commiffions, and fixing the feal, and fuch like. The judicial power is of two forts; the firft is poteftas ordinata, which is the holding of Pleas in foire facias, writs of privilege, execution of ftatutes, and fuch like, in which the order of the common law is obferved; the fecond, inordinata, by which he heareth and determineth according to a certain law, whofe matter is the law of nature, and whofe form is the law of God.

## [201]



## Of Epitaphs,

By Mr. James Ley.


N examining of this queftion concerning Epitaphs, there are many circumftances to be perufed, of which if we behold the eftate of the perfon it fheweth unto us, that learning and civility had their beginning in the leffer number of the better fort of people, by whofe example and inftruction it received an increafe in the purfuant age, and in the latter times became more plentifull; and it is likely that Epitaphs, whofe forms taft of knowledge, and whofe matter confifteth of experience, were firft appropriated unto Kings, Commanders, Captains and Officers of State, for rare vertues or victories, to which not many could attain; and in procefs of time the ufe of fuch remembrances became communicated to all noble perfons, who Cc
affumed
affumed the fame in right of their calling, and not of their defert; and, laftly, all men endeavoring to imitate the beft, have by cuftome made that which was peculiar to fome, common unto all. Secondly, refpecting the diverfitys of nations, ignorance in the time of the Britains hath yeelded no fuch memorials, and that, which the witt of the Romans hath yeelded, time hath for the moft part obliterated. Neither had the Saxons or Danes any fuch fettled nobility, as that they could apply themfelves to private tokens, being allwife in danger of foreign and domeftical depopulations, unles I may be licenfed to call that an Epitaph, which was found notifying the place of the burial of Kenelm called the Martyr ${ }^{\prime}$ :

In tleut kau bathe lienelin kynebeanue lity buide tyorne hraued bureaued.
Thirdly, the language : the Britifh language is fcarce known to Epitaphs ; the Latin moft familiar unto them; the Saxon and Danifh unfrequented in them; the French not unacquainted; the Englifl converfant with them. Fourthly, the matter which is fone, timber, brafs, lead. Fiftly, the place, one fort fubterraneal, which was either by the Romans according to their cuftome fub tumulus, or elfe in the beginning of Chriftianity by the martyres for fear of profanation ${ }^{2}$ fub cumulis; another

[^23]
## Of Epitaphs.

is fuperterraneal, as now the moft part are. Sixthly the time, commonly after the death of the party, fometime in his life time, and rarely in his life time with mention that he is living; as that of Robert Hungerford in the Church of Hungerford in Berkfhire :

非i pour monfpre trobert be fangerfard tant comme el foit entwie preora. Ct pour fon ame, aprey fa mort, tink tentz cinquantz jouts de pardom abera.
Seventhly the form, fome are declaratory, as bic jacet ©̋c. others dedicatory, as colendifimo छ̌c. others petitory, as orate pro छc.

Eightly, the contents material, viz. the name and addition, the day and year of the death; accidental, the dwelling place, his children, his vertues and commendation.


Cc 2
of


> Of Motts,
> By Mr. Ler.


HETHER they are called motts of the French, becaufe they are flort and compendious, and as it were expreffed in one word; or elfe of the Saxon Gemot, becaufe the fentence doth mect or concur with the nature or quality of fome thing depicted; or elfe becaufe they are motives of a thing, in part expreffed by word, and in part left unto conceit, I will not difpute; but tho neither of thefe is the original caufe or reafon, yct the fame is accompanied with them all. The antiquity of them is equal with warrs and witt; wars to minifter matter, and witt to frame it into form; in which there are diverfe properties commendable. Firft, in a word to contain a world. Sccondly, when thereby a dumb beaft, or bird, or dead creature doth, as it were, fpeak, and bewray hi: own primary guality. Thirdly, when the fimple cannot underftand it, and yet the wife camot but underftand it.


## TheEtymologie and Original of Barons,

By Mr. Camden.

Tranfcribed from his Adverfaria in the poffeffion of the Lord Hatton. T. S.

## Barones.



HAVE elfe where faid fomewhat of Barones, therefore if now I be fhorter, it may be more pardonable. Diverfe opinions have been hatched by diverfe witts, as concerning the Etymologie. Some deduce Barones from the French Parhommes, as men of equal authoritie; others à belli robore; the German Civilians from Bannerbeir, as Lords bearing banners; Alciatus in his parergis juris from Berones, an antient people of Spain, which were mercenary fouldiers in that time, as the Germans are now. And Ifidore, as probably as the other, deriveth them
from the Greek word Bagus, becaufe they were valorous and of a ftay'd gravity.

Whatfoever the Etymologie is, it feemeth to be one of thofe words, which time (that hath abfolute authority in words) hath mollified in fignification. For in Tully it feemeth to fignifie a man of fimple and flender conceit, as alfo in Perfus, whofe old Scholiaft writeth, Lingua Gallorum Barones vel Varones dicuntur Servi militum, qui utique ftultiffimi funt, Servi videlicet ftultorum. But in the fourth book de Bello Civili, they which were of Caffius his Guard, are plainly termed Barones; and Alciatus cannot be induced to think, that they were any other, than extraordinary fouldiers. Nevertheleffe the old Gloffaric tranflateth Baro by ávìp a man, and in Lawes of Lombardes, Alamanes, and Ripuarii, Baro and Boro are ufed for a man.

When this name of Barones came firft into this Ifle, I dare not determine. In the Saxon Lawes I do not remember it. And Alfric the Saxon Grammarian, and Arch-bifhop of Canterbury, doth not fpecifie it, where he reciteth the names of dignitic in that tongue: but inftead thereof hath Lhajopo for Dominus.

The Danes then ufed and do ftil retain Thane, (as Andr. Velleius teftificth;) yet I have read in a fragment of K.Cn. Lawes : Collicipium, guod eft fumma cenfus diverfa diverfarum atatum,
$\sqrt{2}$ minoris Vironis, i. Baronis, 2. libra, $\sqrt{2}$ majoris, quatuor.

Neither have I any pregnant proofe, that the name was in any great ufe at the entry of the Normans; for fuch as were after-ward called Barones, were then named Thani, and Valvafores; which latter name the Normans in my opinion borrowed from the form of Government, which Otho the Emperour not long before inftituted in Italie. For, as Sigonius teftifieth, after Duces, Marchiones, and Comites, he placeth Valvafores, and the Civilians, which write de Feudis, affirme, Valvafores majores to be Barones. In the fucceeding age after the Conqueft, the name was moft common, but of no great honour; for the Citizens of London, the inhabitants of the Cinque Ports, were ftiled Barones; and I have heared, that fome Earles have written . . . . Omnibus Baronibus © bominibus meis, tam Francis, quam Anglis. Whereupon I remember, that I have read in the old Conftitution of France, that 10 . Barons were under every Comes, and ro. Capitanei under every Baron. Shortly after it grew higher, and feemed to be a ftate with jurifdiction in his own territories, as may appear by Court Barones; and the very multitude of Barones doth partly perfuade me, that they were but fuch free Lords within themfelves, as the Germans call Freeheren, efpecially fuch, as held caftels:
caftels: for then they were anfwerable to the definition of Baldus ' the Lawyer, which defineth him a Baron, which hath merum miffumque imperium in aliquo caftro conceffione Principis. But fince K. Edward i. and other K.K. felected fome out of the great number, and fummoned them to Parliaments, they only with other, whom the Kings advanced to the ftate of a Baronie by creation, were properly accounted Barons, and they have been honoured with fundry privileges, wherewith if I fhould intermeddle, (being ignorant of the Lawes) I might feem a very Baro in the moft antient fignification.
r. Bald. innotuit de Elect.


Mr。

$$
[209]
$$



Mr. Tate's Queftions about the ancient Britons.

The Cot-tonianLibrary. Vitellius E .
 Y what names were they 5 . fag. 56. called by the Britons, which the Latins callDruidee and Druides? Whether the Druydes and Flamines were all one, and the difference between them, how Flamines were called in Britifh, and their Antiquity and Habits?
3. What Degrees were given to their Profeffors of Lerninge, where and by whom, and their Habits or Apparel?
4. Whether the Barth had anie office in warre anfweringe our Herolds, their garments and enfeignes, and whether they ufed the Ca duceum, many fetching the original thereof from the Brittons charminge of Serpents?
5. What Judges and Lawyers had the Britons that followed the King, and what are Trianbepcoz Brenbin and their ufe?

Dd 6.What

## Mr.Tate's 2uefions about

6. What Judges and Lawyers were there refident in the Country, their number, what Judges were there per dignitatem terre, and what was their duty, and how were they affembled to do the fame?
7. It appeareth there were alwayes many Kings and Princes in this Realme before the cominge in of the Saxons, were their Cuntries divided into Talaiths, as all betweene Severne and the Sea was after their cominge?
8. Was their any divifion into fhires before the Saxons cominge, and what difference betwixt a fire and Swydh? There were aunciently with yow Maenors, Commods, Cantrebhs, anfwerable whereto are our Mannors, Tythings, Hundreds, and that maketh me to encline that Swodh fhould be like our Shire, as Swy Caer Bhyrðin. Snyy Ammythig. Snyð Caer amrangon, and the generall officers of them were called Smy 万ogion, under whom were maer Gnybellawe Ringhil, ophiriat and Brawdur tyngr Smy . except all bere the name of Swirogion. I finde in an auncient Book of Landaff Gluiguis or Glivifus King of Demetia, which of this King is called Gleaguiffig; of whom it is faid, Jeptem pagos rexit, whereof Glamorgan, now a fhire, was one, and pagus is ufed for a fhire.
9. Whether the Brittons had noble men beringe the name of Duces, Comites, Barones, and what they were called in Britifh? In the book

## The ancient Eritons.

book of Landaff I find it thus written, Gundeleius rex totam regionem fuam Cadoco filio fuo commendavit, privilegiumque conceffst quatenus à fonte Fennun beri donec ad ingreffum fuminis Nadavan pervenitur, omnes reges $ઉ$ Comites, optimates, tribuni atque domeftici in canobii fui camiterio de Lanearvan fepeliantur. And Kinge Ed. i. enquiringe of the Lawes of the Brittons, demaundeth how the Wellh barons did adminifter Juftice, and fo diftinguifhed them Lords Marchers.
ro. What is the fignification of the word Aßach? A Statute of Kinge H. fixth faith, fome offered to excufe themfelves by an Affach after the cuftom of Wales, that is to fay, by an oth of 300 . men.
ir. What officer is he that in the Lawes of Hoel Da, is called Diffein, and the fignification of the worde?
12. What do yow think of this place of P. Ramus in his booke de moribus veterum Gallorum, Ha civitates Brutos fuos babebant, ઉ à Crfare nominantur Senatus Eburonicum, Lerobiorum, Venetorum; was their any counfels or Senats in the Brittifh government, and by what name were they called?

©Mr. Jones biscAnfiveares to Mr. Tatres 2uchions.

Druides.


O the firft I fay, that Druides or Druida is a Word that is derived from the Brittillh word Drudion, being the name of certain wife, difcrecte, lerned and religious Perfons amongit the Brittons.

Drudion is the plural number of this primitive word (Drad:) by addinge (ion) to the fingular number you make the plural of it, fecunáum formam Britannorum fic, Drud|ion.

This primitive word (Drua) hath many fignifications, one fignification is ( dialmr) that is a revenger, or one that redreffeth wronge, for fo the Jufticers, which is called Drudion, did fupply the place of Magiftrates.

## Mr. Fones bis anfzueares efc.

Another interpretation is (krevlou) and that fignifieth (cruell) and mercilc/s, for they did execute Juftice moft righteoully, and punifh Offenders moft feverly. Drud fignifyeth alfo glew and peid, that is, valiant and bardie.

Drud alfo is deare and precious, unde venit (drudanieth) which is, dearth.

Thes (Drudion) amongft the Brittons by there office did determine all kind of metters, as well privat as publicke, and were Jufticers as well in religious matters and controverfies, as Law matters and controverfies for offenfes of death and title of Landes: thes did the facrifices to the heathen Gods, and the facrifices could not be made without them, and they did forbid facrifices to be done by anie man that did not obey there decree and fentens: all the artes, fciences, learninge, philofophie and divinity, that was taught in the land was taught by them, and they taught by memory, and never would that there knowledge and learninge fhould be put in writinge, whereby, when they were fuppreffed by the Emperour of Rome in the begininge of Chriftianity, there learninge, artes, lawes, facrifices, and governments, were loft and extinguifhed here in this land, fo that I can find no more mention of any of their deeds in our tonge then I have fett downe, but that they dwelled in rockes and woods and darke places, and fome places in our lande had there
there names from them, and are called after there names to this day; and the Iland of Mone or Anglice is taken to be one of there cheefeft feats in Brittain, becaufe it was a folitary Iland full of wood, fo that it was fo darke by reafon of that wood, and not inhabited of any but themfelves, and then the Ile of Mone, which is called Anglice, was called (ur ynys demyll) that is, the darke Iland: and after that the Drudion were fuppreffed, the huge groves, which they favoured and kept a foote, were rooted up, and that ground tilled, then that Iland did yeelde fuch abundance and plentye of corne, that it might fuftaine and keepe all Wales with bred, and therefore there arofe then a proverbe, and yet is to this daye, viz. Mon Mam Glymbru, that is, Mon the Mother of Wales. Some do terme the proverbe thus, Mon Mam Wyuedd, that is, Mon the Mother of North Wales, that is, that Mon was able to norilhe and fautter upon bread all Wales or North Wales, and after that this darke Iland had caft out for many years fuch abundance of Corne, where the difclofed Woods and Groves were, furfefed to yeelde Corne, and yeelded fuch plentic of Graffe for Cattcll, that the Countrymen left of there greate tilling, and turned it to grafing and breedinge of Cattell, and that did continue amongtt them wonderfill plentifull, fo that it was an admirable thing to be heard,

## To Mr. Tate's queftions.

heard, how foe little a platt of ground fhould breede fuch greete number of Cattell, and now the inhabitants doe till a greate parte of it, and breẹde a greate number of Cattell on thother parte.
2. As for the fecond Queftion, I doe referr flamins. thexpofition of it to thofe that have written of the Flamins in Lataine. The Drudion in Brittaine accordinge to there manner and cuftome did execute thoffice and function of the Flamins beyond the Sea, and as for there habits I cannot well tell yow how nor what manner they were of.
3. To the third Queftion, there were foure Degres. feverall kind of Degrees that were given to the Profeffors of learninge. The firlt was, Difgibly/bas, and that was given him after three years judging in the art of Poëtry and Muficke if he by his capacitie did deferve it. The fecond Degree was Difgibldifgybliaidd, and that was given to the Profeffor of Learninge after fix years ftudying if he did deferve it; and the third Degree was Dijgiblpenkerddiaidd, and that was given to the Profeffor of Learninge after nine years ftudying, if he did deferve it : and the fourth Degree was Penkerdd, or Athro, and Atbro is the higheft Degree of Learninge amongft us, and in Lattaine is called Doctor. All thefe Degrees were given to men of Learninge, as well Poëts as Mufitians. All thefe fore-
faid Degrees of Learninge were given by the Kinge or in his prefens in his pallas at every three yeares end, or by a leyfence from him in fome fitt place thereunto, upon an open difputation had before the Kinge or his Deputie in that behalfe, and then they were to have there reward according to there Degrees.

Alfo there were three kinds of Poëts, the one was Prududd, the other was Teuluror, the third was Klermo. All thefe three kinds had three feveral matter to treat of. The Prududd was to treat of lands and praife of Princes, Nobles and Gentlemen, and had his Circuit amongit them. And the Teuluror did treat of merry jefts, and domefticall paftimes and affayres, and had his Circuit amongft the Countrymen, and his rewarde accordinge to his callinge, and the Clerwor did treat of invective and rutticall Poëtrie, differinge from the Prududd and Teuluror, and his Circuit was amongtt the yeomen of the Countrey. As for there habits, they were certain long aparell downe to the calfe of there legges or fomewhat lower, and they had divers kinds of Cullors in there aparell.
4. To the fourth Queftion, I fay the Bardd was a Herald to record all the Acts of the Princes and Nobles, and to give armes according to the forts. They were alfo Poëts, and could prognofticat certaine things and gave
them out in meeters. And further there were three kinds of Beirdd, Privardd, Pofvardd and Arroyddvard. The Priveirdd were Merlin Silvefter, Merlin Ambrofius, and Talioffin, and the reafon they were called Priveirdd was, becaufe they invented, found out and taught fuch Philofophie and Learninge, as was never hard of or read by any men before, and the interpretation of the word Privairdd is Prince or firt learner or learned man. For this word Barill was attributed to all kind of learned men, and profeffors of Learninge and profifiers, as Privardd, Pofvardd, Arroyddvard, bard telyn, and as they call Merlin Ambrofius by the name of Bardd Gortheyrn, that is, Gortheyrn or Vortiger his Philofopher or learned man or profifier, Bard Telyn is he that is Doctor of the Mufitians of the Harpe, and is the chiefe Harper in the land, having his abode in the King's Pallas, and note, no man may be called Privardd, but he that inventeth fuch Learninge and Arts or Science, as were never taught before.

The fecond kind of Bardd is Pofvardd, and thofe were afterward called Prydiddion, for they did but imitate, followe and teache that which the Priveirdd had fet fourth, and muft take there author from one of them. For they themfelves are no authors but learners, regifters and teachers of the arts and learninge firt fet fourth by the Priveirdd. The third kind

Ee was
was Arroyddvardd, that is by interpretation an enfive Bardd or learned man, and indeed is a Herald at Arms, and his dutie was to declare the genealogie and blaze the armes of Nobles and Princes, and to keepe the record of them, and to alter there armes accordinge to there dignities and deferts. Thefe were with the Kings and Princes in all Battels and Fights: as for there garments I think they were long garments, fuch as the Prydiddion had, for they challenge the name of Beirdd, ut fupra. Whereas fome Writers, and for the moft parte all forraine Writers that make mention of Beirdd, do write, that Bardd had his name given him from one Bardus, a man's name, that was the firft inventor of Barddonieth, and fome fay that he was the fourth King of Brittaine: I fay, that it is a molt falfe, erroneous, and fabulous furmife of forraine Writers. For there never was any of that name, that ever was either King or King's fon of Brittaine. But there was a great Scholer, and an inventor of both Poëtical verfes and Mufical leffons, that was fometimes the King of Brittaine, and his name was Blegywryd ap $G \in i j y l l t$, and he was the s6. fuperiour King of Great Brittaine, and died in the 2067. year after the deluge, of whom it is written that he was the famoufeft Mufician that ever was in Brittainc. There is no writer that can fhew that Bardd had his name from: Bardus, but that

## To Mr. Tate's que/fions.

that it is a primitive Brittifl word which hath the aforefaid fignifications and interpretations: and Barddometh, which is the art, function, or profeffion of the Bardd, is ufed for profecie and the interpretation of profecie, and alfo for all kind of Learninge amongft us that the Beirdd were authors of.
5. As for the fift Queftion, The Kinge had alwayes a chief Judge refident in his Court ready to defide all controverfies that then happened, and he was called Egnat llys. He had fome priviledge given him by the Kinges houfhold officers, and therefore he was to determine there caufes gratis, and as for the tri anhibkor brenin, I thinke it fuperfluous to fett it here, feeing yow have it in my booke of lawes more perfecte then I can remember it at this time. Looke for it in the table amongft the trioedd Kyfraith, and thofe are fett downe in two or three feveral places of the booke, and if yow cannot finde it there fee in the office of Egnatllys, or Pen teulu, or Yffiriaidllys, and yow fhall be fure to find it in fome of thofe places. I doe not finde in my booke of Lawes that here were any officers for the Law that did dwell in the King's Pallas, but only his Egnat llys that was of any name or bore any greate office, for he was one of the Tri anbebkorbrenin.

As for the fixt Queftion, I fay that there Egnat Ee 2 were
were refident in the Country but Egnat Comot, that I can underftand by the law. But when an affembly mett together for the title of Lands, then the Kinge in his owne perfon came upon the Land, and if the Kinge coulde not then come, he appointed fome deputie for him, and there came with the Kinge his chiefe Judge, and called unto him his Egnat Komot or Country Judge, together with fome of his Counfell that did dwell in the Komot where the Lands lay that were in Controverfie, and the Freehoulders alfo of the fame place, and there came a Irieft or Prelat, two Councellors, and two Rbingill or Sergeants, and two Champions, one for the plaintief, and another for the defendant, and when all thefe were affembled together, the Kinge or his Deputic viewed the Land, and then when they had viewed it, they caufed a round mount to be caft up, and upon the fame was the judgement feat placed, havinge his backe toward the funne or the weather. Some of thefe mounts were made fquare, and fome round, and both round and fquare bare the name of Gorfed de vy dable, that is, the mounte of pleadinge. Some alfo have the name of him that was chicf Judge or Deputic to the Kinge in that Judiciall feat, and it was not lawfull to make an affembly no where for title of Lands but upon the Lands that were in Controverfie.

Thefe Gorfedde are in our Countrey, and many other places to be feene to this day, and will be ever if they be not taken downe by mens hands. They had two forts of witneffes, the one was Corybyddyeid, and the other Ambiniogeu. The Cingbyddyeid were fuch men as were born in tho Komot where the Lands that were in controverfie lay, and of there own perfecte knowledge did knowe that it was the Defendants right, and Ambiniogeu were fuch men as had there Lands mereinge one the Lands that were in controverfie, and hemmed at that Lands, and the oath of one of thofe Ambiniogen otherwife called Keidweid, was better then the oath of twaine that were but Cmybyddyeid. Looke in the table of my booke of Lawes for the definition of Keidmeid, Ambiniogeu and Croybyddyeid, and how the Kinge did trye his caufes, and that will manifeft it more at large. The Mayer and the Kangellonor had noe authoritie amongt the Brittons for any Lands but the Kings Lands, and they were to fett it and lett it, and to have there Circuit amongft the Kings tenants, and they did defide all Controverfies that happened amongtt them. Vide in the table of my booke of Lawes for the definition and Mayers and Kangellomr.
7. To the feventh Qieftion I fay, that there were in this Land about 200 . fuperiall Kings that governed this Land fuccelfively, and that
were of the Brittifh Blood, yet notwithftandinge there were under them divers other Princes that had the names of Kings, and did ferve, obey and belong to the fuperiall Kinge, as the Kinge of Alban, or Prydyn, or Scotland, the Kinge of Kymbery or Wales, the Kinge of Groynedd or Venedotia, yet notwithftandinge the fame law and government was ufed in cvery Prince or Kings dominion as was in the fuperiall Kinges proper dominion, unlefs it were that fome Cuftome or Priviledge did belonge to fome place of the Kingdome more then to another, and every inferior Kinge was to execute the law upon all tranfgreffors that offended in there Dominion.

In the time of Kaffibelanros there arofe fome controverfie betweene the fuperiall Kinge $K a j$ mallawne and Auermyd Kinge of London one of his inferior Kinges, about a murther committed. The cafe is thus. The fuperiall Kinge keepeinge his Court within the Dominion of one of the inferior Kings, a controverfie falling between twayne within the Court, and there and then one was flayne. The queftion is, whether the murtherer ought to be tried by the officers and priviledge of the fuperior Kinge, or of the inferior Kinge? I thinke that the murtherer ought to be tried by the Law and Cuftome of the inferior Kinges Court, becaufe it is more fecmly that the fuperior Kings Court which
which did indure in that Countrey but a weeke or twayne, or fuch like time fhould loofe his priviledge there for that time, then the inferior Kings Court flould loofe it for ever. Vide in libro meo de legibus. It may feeme to thofe that have Judgment in hiftories, that this was the very caufe that Avermyd would not have his kinfinan tryed by the Judges and Lawes or Priviledge of Kafmallanne, whofe Court did remaine in the dominion of Avernyyd but a little while: but would have the fellou tried by his Judges and his Court. There is no mention made of Talaith any where amongt the Brittons before the Deftruction of Brittaine, but that there were in Brittaine but one fuperiall Crowne and Teleith or Coronets or prince Crownes, one for the Alban, another for Wales, and the third for Kernim or Cormpale. There were divers others called Kings of Dyved in South Wales, the Kinges of Kredigion, and fuch: and yet were called Kings, and there Countries were divided as yow fhall fee in the next Queftion.
8. To the eight Queftion I fay, that accordinge to the primitive law of this land that $D y f n$ wal Moel Mvd made (for before the Lawes of Dyfnwal $\mid$ Moel Mvd| the Trojan Lawes and Cuftomes were ufed in this Land, and we cannot tell what Divifion of Lands they had, nor what officer but the Drudion) He divided all this Land

Land accordinge to this manner, thus $\mid$ Tribud $\mid$ Hyles. $y \mid$ gronin baidd $\mid$ or thrife the length of one barlcy Corne maketh a Modved or Modrca. Inche. Inch $|3|$ Modvedd or Inches maketh Palfo, a hand Breadrh. a Palfo, or a Palme of the hand, 3 . Palfo or Palme maketh a troedevedd or foote, 3 . feete or Troedvedd maketh a Kam, or pafe, or a ftride, з. Kam or ftrides to the naid or leape, 3. naid or leape to the Grmm, that is the Kam, a fride.
Naid, a leap.
Grwnn, a butbredth.
Miltir, a breadth of a butt of Land, or tir, and mil of mile. thofe tir maketh Mill tir, that is, a thoufand tir or mile, and that was his meafure for length which hath been ufed from that time to this day, and yet, and for fuperficiall mefuringe he made 3. bud, gronin, baid, or barley Corne lengthe to the Modvedd or Inch, 3. Modvedd or Inch to the Palf or hand breadth, 3. Palf to the Troedvedd or foote, 4. Troedvedd or footo to the Veriav or the flort yoke, 8. Troedvedd or foote to the neidar, and 12 . Troedvedd or foote in the gesfilianv, and r6. Troedvedd in the Hiriav, and a pole or rod foe longe, that is 16. foote longe, is the bredth of an acre of Land, and 30 . Poles or rodes of thiat

Frw. Aker. 2. aker is 3 . or 4. according to the cuftome of places.

Tyddyan.
Rhandir. lengthe, is the lengthe of an Erwo or acre by the law, and foure Erio or acre maketh a Tyddyn or meffuage, and four of that Tydayn or mefluage makcth a Rbandir, and four of thofe Rbandiredd

## To Mr. Tate's queftions.

diredd maketh a Gafel or tenement or hoult, Gafel. and four Gafel maketh a Tref or Townehhippe, Tref. and four Tref or Townefhips maketh a Maenol Maenol. or Maenor, and 12. Maenol or Maenor and droy dref | or two Townflipes maketh a Krmmod or Comot, and two Kwomed or Comot maketh a Kan-Kantref tref or Cantred, that is, a hundred townes or ${ }^{\text {handred. }}$ townfhippes, and by this reconinge every Tyddyn containeth 4. Erro, every Rbandir contayneth 16. Erw, and every Gafel contayneth 64 . Erm, every towne or townfhippe contayneth 256. Erm or Acres, thefe Erms being fertile arable land, and nether Meddow nor Pafture nor Woods, for ther was nothinge mefured but fertile arabl ground, and all others was termed wafts. Every Maenol contayneth foure of thefe Townfhippes, and every Krmmot contayneth so. of thefe Townfhippes, and every Cantred 200. of thefe Townhhippes, whereof it hath his name, and all the Countreis and Lords dominions were divided by Cantrifi, or Cantre, and to every of thefe Cantreds, Comots, Maenors, Tomnes, Gafels, were given fome proper Names : And Grolad or Cuntrey was the Dominion of one Lord or Prince, whether the Grplad were one Cantred, or 2 , or 3 , or 4 , or more; fo that when I fay he is gone from Gwlad to Gwlad, that is, from Countrey to Countrey, it is ment that he is gone from one Lord or Prince dominion to another Prince dominion : as for example, Ff when
when a man committeth an offenfe in Gmynedd or North Wales, which contayneth 20. Cantreds, and flecth or goeth to Ponys, which is the name of another Countrey and Prince dominion, which containeth 20. other Cantreds, he is gone from one Countrey or Dominion to another, and the Law cannot be executed upon him, for he is gone out of the Countrey.

Teginges is a Countrey, and contayneth but one Cantred, and Dyfron Clioyd was a Countrey, and did containe but one Cantred, and when any did goe out of Tegenzes to Dyfron Khmyd, for to flee from the Law, he went out from one Countrey to another, and fo everyPrince or Lord's Dominion was Grolad or Countrey to that Lord or Prince. So that Grolad is Pagus in my judgement. Sometimes a Kantred doth contain 2. Comot, fometimes 3 , or 4 , or 5 . as the Cantrefe of Glamorgan or Morgamoy contayneth s. Comots : and after that the Normans had wonne fome parts of the Countrey, as one Lords dominion they conftituted in that fame place a Senefcall or a Stiward, and that was called in the Brittifhe tounge Smyddog, that is, an officer, and the Lordlhippe that he was Steward of was called Swydd or office, and of thefe Snoyddev were made fhires, and Swydd is an office be it greate or fmall, and Smyddog is an officer : likewile of all ftates, as a Sheriffe
To Mr. Tate's queftions.
is a Snyddog, and his fheriefflhippe or office, and the Shire whereof he is Sherieff is called $J$ woydd, fo that Snydd doth contain as well the Shire as the office of a Sherieff, as Smydd Annoythig is the Shire or Office of the Stiward, Senefcall, or Shirieff of Salop, ઉ̛c.
9. As for the ninth queftion: the greateft and higheft Degree was Brenin or

Teyen, that is, a Kinge, and next to him was a Troylog, that is, a Duke, and next to him was a farll, that is, 3. Jarll. an Earle, and next to him was an Argloydd, that is, a Lord, and next to him was a Barmon, and that I read leait of, and next to that is the Breir or Vchelhr, which may be called a

1. Brenhin Teyrn.
2. Twylog.
3. Arglwydd.
4. Barwn.

Ded. d. Saxon
frrength.
Rnbur belli Brawen.
6. Breir Uchelwr.

Squire ; next to this is a Goreange,
7. Gwreange. that is, a Yeoman; and next to that is an Alltud, and next to that a Kaeth, 8.Alltud. which is a Slave, and that is the meanelt a- 9 . Kaeth. mongft thefe nine feveral Degrees, and thefe 9. Degrees had 3. feverall tenures of Lands, as Maerdir, Uchelordir, Priodordir. There be alfoe other names and degrees, which be gotten by birth, by office and by dignitie, but they all are contayned under the nine aforefaid Degrees.
io. As for the tenth Queftion, I doe not find, Ariach. nor have not read nether to my knowledge in any Cronicle, Law, Hiftory or Poëtry and DiFf 2 xionarye,
xionarye, any fuch word, but I find in the Laws and Cronicles, and in many other places this word Rbaith to be ufed for the Oath of 100 . men, or 200 . men, or 300 . or fuch like number,for to excufe fome heynous fact, and the more heinous was the fact the more men muft be had in the Rbaith to excufe it, and one mult be a chiefe man to excufe it amongft them, and that is called Penrbaith, as it were the forman of the jury, and he muft be the beft, wifeft and difcreeteft of all the others, and to my remembrance the Rbeitbroyr, that is, the men of the Rhaith, mult be of thofe that are next of kynne, and beft knowne to the fuppofed offendors to excufe him for the fact.
ir. As for the $\mathrm{I}^{\text {th. }}$. Queftion, I fay, that I find a Stiward and a Controuler to be ufed for a diftain in my Dictionary. I cannot find any grater definition given it any where, then is given it in my booke of Lawes. Vide diftaine in the table of my booke of Lawes.
12. To the $12^{\text {th }}$. Queftion, I fay that the Brittons had many Councells, and had their Councellers feattered in all the Lordfhips of the Land, and when any Controverfie or occafion of Councell happened in Snoynedd, the King called his Councellors that had there abode there for to councell for matters dependinge there, together with thofe that were there of his Court or Guard; for the Kinge had

## To Mr. Tate's queftions.

had his chiefe judge, and certaine of his Councell alwayes in his company, and when the Kinge had any occafion of Councell for matters dependinge in Demetia, or Pomys, or Cornmall, he called thofe of his Councell that dwelled in thofe Coalts for to councell with them, and they went to a certaine private houfe or tower one a topp of a hill, or fome folitarye Place of Councell farr diftant from any dwelling, and there take there advife unknowne to any man but to the Councellors themfelves, and if any great alteration or need of Councell were that did pertaine to all the Land, then the Kinge affifted unto him all his Councellors to fome convenient place, for to take there advife, and that happened but very feldome.


A Dij-

## [230]



ADi/course of the Dutye and Office of an Heraulde of Armes, written by Frauncis thynne Lancafter Heraulde the third daye of Marche anno 1605.

My very good Lord,
 HA T cruell Tyrante the unmercyfull Gowte, which triumpheth over all thofe that are fubject to him of what eftate foever, takinge on him, in that parte to bee a God, becaufe hee refpecteth noe perfon, hath fo paynefully imprifoned me in my bedd, mannacled my hands, fettered my feete to the fheetes, that I came not out thereof fince I fawe your Lordfhip on Cliriftmas Eve. But having by meere force at length fhaken off the mannacles from my hands, (although I am ftill tyed by the Icete) I have now

## The dutye and office of an ©ోc. 23 x

 at the laft (which I pray God may bee the laft troubling my hand with the Gowte) attempted the performance of my promife to your Lordflipp, and doe heere fend you a Chaos and confuled Raplodye of notes, which your Lordflipp, as an expert Alchiniift, muft fublyme and rectifye. But though it be playne Bigurur or a Coate of divers Coullours, I doubt not but this varyetye of matter fhall in fome forte bee pleafinge to your Judgment, as varietye of collours are pleafing to the Eye. But of this fatis fuperque, praying you to pardon my prefumptious Follyes (yf they bee follyes) which heere enfue.In the height of the Roman Goverment, and The dePryde of their glorye, the Senator which had nater reconfumed his poffeffions, (whereby he was to mored. maintayne the ftate layed upon him) was removed from the Senate, whereof Rofinus de Antiquitatibus Roma lib. 7.cap. s. out of Cicero his Epiftle ad 2. Valerium thus writeth : Laudatur axtem cenfus in Senatore ne Jplendor amplificimi Ordinis Rei familiaris anguyfiis obfouretur. Ceterum autem anguftum Cenfum Senatorium Seftertiìm 800. millia fuife, eumque ab Augylto ampliatum docent Suetonius © Dio: neque Jolum fiquis Senatorium Cenfum non baberet, Senator legi non poterat; fed $/ \beta$ pofguam electus effet, Cenfum labefariaffet, ordinem amittebat.

Baftardes bearing Armes.

For the Baftardes bearing of Armes, there is no queftion, but of what kinde foever they bee they cannot by the Lawe of England beareany Armes. For noe man can inheritt things annexed to the blood, but fuch as are intereffed in the blood, which Baftardes are not. For they are not any mans children, but filit populi, छ concepti ex probibito coitu. Yet Cuftome followinge the example of Nations, doth by curtefye of the Lawe of Armes cafte upon them fome preheminence to be adorned with the Enfignes of his reputed Father, yf hee carrye his Fathers name: if not, but that hee bee invefted with his Mothers name, (though the world take notice of his reputed Father ) yet fhall hee have nothing to doe with his Armes, unleffe he affumeth the name of his Father, and then fhall he beare the Armes with a Baftard difference, according to his difference of Baftardy, whereof there are xir. kindes, as followeth :

1. Hee that is borne of unmarryed partyes, that. never after marryed.
2. Hee that is borne of a marryed Father, and a Woman unmarryed.
3. Of a Father maryed, but having no lawfull children.
4. Of a marryed Father, but hath children.

5:- Of an unmarryed Father, and a Widdowe.
6. Of an unmarryed father, and a maryed Woman.
7. Of a Religious man, and an unmarryed Woman.
8. Of a Religious man, and a marryed Woman.
9. Of an unmarryed Father and his Kinfwoman, betweene whome marryadge is forbidden by the Lawe.
10. Of a marryed Father and his Kinfwoman in any degree of confanguinity.
ir. Hee that is begotten of a known Woman, and an unknown Father.
12. Hee that is borne of unmarryed perfons; which after marrye, being Baftardes in our Lawe, though not in the Civill.
All which in bearinge of Armes, muft obferve theire peculyar differences well knowne (or at the leaft, that ought to bee well knowne) to the Heraulds, although I fuppofe fewe or none of us knowe it. For thefe are Arcana Imperii Heraldorum, and muft be kept as fecrett as the Ceremonyes of the Eleufine Goddeffe, or Cabala of the Jewes, the divulging of which and fuch like matters, with the printed Bookes of Armes, and Armorye, (which fhould bee locked within the walles of the Herauldes Office, and not publifhed to the cenfure of each man) maketh every man as cunninge as themfelves, and bringeth the Herauldes place into fimall Creditt. For I finde (I will only give inftaunce of my felfe) that I am of leffe efteeme, fince I came into that Office, then I was before. For I feele G g
the
the Office hath fomewhat difgraced me, in foc much, that now by the lewd demeanor of fome, the name of Herauld is become odious, and will fall to the Grounde yf your Lordfhip, whofe honourable mynde and paynfull endeavour doe tye all the Herauldes to acknowledge them your new framed, or at leaft revived Creatures, doe not put to your helpinge hande, and continue the Creditt of the Office, and of fuch Officers as fliall deferve well.
The alye- Armes cannot be alyenated, as long as any natinge of the Familye is livinge; that is, foe longe as any of the Male Lyne hath beinge. For the Males are only of the Lyne and Familye of agnation, and not the Females being called forores, quafi feorfum nata, and as it were borne out of the right waye, or Lynes, fo that the ftirps agnationis, which is the Male, is different from firps cognationis, which is the Lyne Feminyne, as I have hitherto conceived it. And therefore fo longe as any of the Male Lyne is livinge (for they have all Intereft in the Armes, as they have in the blood) none can fell the Armes of his Familye. For, as Caffanæus faith in his Tractate of Armes, cft quoddam jus portare Arma Jpectans unicuique de agnatione Є familia, quod non videtur tranfire extra illam, quum fint Arma inventa ad cognofcendas agnationes, familias, छ domus nobilium, Junt nomina ad cognofcendos bomines. And Bartolus addeth, ficut per teftamen-
tum, fie effet aliquid relictum (familia) indiftincle non nominando perfonas familia, illud tranfirct ad eos de familia gradatim, ita quod non poffit per illud alienari : fic Arma alicui familia data non nominando Perfonas familice diftincte, ad cos tamen de familia tranfeant, ita quod non poffit alienari: who further writeth, Quod fante aligua de agnatione, familia, vel domo, babentes aliqua Arma, à tempore cujus initii memoria non extat in contrarium, quod talia Arma non poffunt vendi, aut alienari, quocunque titulo in prejudicium illorum de familia, domo aut agnatione.

According to which, it feemeth the Lawe of Armes was in England in tymes paft ; for that he which had but only daughters, or one daughter to fucceede him, might have lycence of the King, to alien his name or armes to any other for the prefervation of the memory of them both, as appeared in the cafe of the Lord Deincourt in the tyme of Edward the fecond, whereof the Recorde is thus in the Patent Rolls 10. E. 2. part 2. mem. 13. Rex छrc. Salutem. Sciatis quod quum pro eo quod dilectus ©̉c. fidelis nofter Edmundus Deincourt advertebat $\circlearrowleft$ conjecturabat, quod Cognomen fuum, © ejus arma poft mortem fuam in perfona Ifabella, filie Edmundi Deincourt beredis ejus apparentis, à memoria delerentur, ac corditer affectavit, quod Cognomen, छ Arma fua, poft mortem ejus in memoria in pofterum baberentur, ad requifitionem predicti Edmundi, छ ob grata,

$$
\mathrm{Gg}_{2}
$$

© laudabilia fervitia, que bonce memoria Domino Edmardo, guondam Regi Anslia, patri noftro, $ઉ$ nobis impendit, per literas noftras Patentes conceffimus, Є licentiam dederimus, pro nobis छ beredibus noftris, eidem Edmundo, quod ipfe de omnibus maneriis $\xi^{3}$. qua de nobis tenet in capite feoffare poffit quemcunque velit $\delta$ ©. Out of the Preamble of which deed, wee gather (as before is fayd) that, becaufe he had a daughter which could not preferve his memory, that he might alyen his name and Armes according to the Lawe, becaufe none de firpe agnationis was living to forbidde the fame. But withall it is gathered, that he could not alien the fame without lycence of the Prince, (who might difpence with the Lawe ) ' But becauie the Lawe and cuftome had permitted that Women fhould inherit with us, both Landes, Honnor, Name and Armes, and quod confuetudo dat, bomo tollere non potefl.

How the daughter, heire to her mother, the firt Wife, may uic her Father's Armes when her Farher had a fonne by the fecond Wife.

On this poynt there be divers opinions repugnaunt each to other; whereof one is, that of the Reverend Herauld of our Age Robert Glover Somerfett, who in his booke, de differentiois Armorum, faith, that fhee during her owne life fhall beare her Fathers Coate quartered with her Mothers. His wordes be theis: In boc cafu quo quis Viri nobilis filiam $७$ beredem

1. Sic. Sed but forfan delcri debct.

## Heraulde of Armes.

uxorem duxerit, © ex ea unicam fufceperit filiam, Materni cenfus, © bereditatis beredem futuram; Э per aliam uxorem genuerit filium paterna hereditatis beredem, difta filia beredis predittre durante vita fua, tanquam filia legitima $\S$ naturalis utriufque parentis, corum portabit Arma quateriatim feu quadrifarie incorporata, Sed liberis ab eo progenitis permittitur tantummodo delatio Armorum bereditarie illis ab corum Avia defcendentibus: Sed in contrarium Jape vidimus ab imperitis, nulla ratione propterea facta fulcire valentibus.

But faving Correction, I cannot as yet be induced to permitt the daughter duringe her life to beare her Father and Mothers Armes quartered ; becaufe quarteringe denoteth a fetled inheritance of the Armes of both thefe howfes in that perfon, that beareth them foe quartered; which cannot be in her, becaufe the Brother mult carry the Armes of the Father from her. Befides, fhee in that doth wrong to the heire Male, in the Fathers Armes, becaufe it wholie belongeth to him. Wherefore, for my parte, I rather inclyne to the opinion of other ; and amongft others to Gerarde Leigh, whoe in his Accidence of Armorye doth write, that if fhee will needes carrye her Fathers Coate (to fhewe from whence flee is defcended) thee mult carrye them in the cheife of her Armes, as he there fetteth downe the Example. But howfocyer, fhee may beare the

## The dutye and office of an

Coate of her Father duringe her life, either quartered, with her owne, as Somerfett hath fayd; or in cheife of her owne, as Leigh hath; or in Canton, as others hould (and that not improbablye:) yet they all agree, that her yffue can no way have to doe with the Armes of the Grandfather, but only with the Armes of the Grandmother : and therefore the Lord Marqueffe cannot by any opinion beare the Armes of. Howard in any whatfoever order, notwithftanding his Mother fhould beare them in any of theife three formes.
Herauldes. Thefe men being called by dyvers names were men of greate efteeme in former ages, being fomctyme named, but by fome part of their function. But now in this worde Heraulde ( which fignifyeth the ould Lord or Mr. and is called in Latyne, veteranus, of his yeares and experience) are contayned all the other names, and functions, which doe cxpreffe fome part of his office. For he is called Facialis, à fredere faciendo, in denouncing warres or making peace;

The fererall names of Heraulds, according to the feverall partes of their funEtions, contayned in one name Heraulde. Hee is called Nuncius Regis, becaufe of one parte of his office, which is to goe on the Kings meflage. So that he which in the Saxons tyme went on the King's meffage, was the fame that our now Herauld is, and held the fame place of a great perfon. He is called Caduceator of one parte of his office, which is to deale in
matters of Peace, and therefore hath his Caduceus or white Bafton, (omytted now, as many other things are in his Creation.) The difference of which Fracialis and Caduceator, is fett downe by Francifcus Philelphus in his Epiftles in this forte: Vis foire quid interfit inter Fraciales § Caduceatores; Faciales eos fuiffe apud prijcos, qui certo furis folemnitate Bellum boftibus indicebant, छ' Caduceatores eße pacis Legatos dittos à Caduceo quem manus geftabat; which Caduceus, Apollo gave to Mercurye the Heraulde of the Gods to beare, when he went on their meffage. This Herauld is alfo called Praco; becaufe he is to denounce his Lords Proclamation and Meffages, the Prayfes of valiant Men, in Peace ; and therefore, in Blazon of the Armes of any, he muft blaze them to the honnor and prayfe of the bearer, fince Heraldus, as one writeth, eft Praco virtutum, non vittoriarum hominum. And yet I finde the name Heraldus in Latyne not auncienter, then Æneas Sylvius, and noe auncyenter mentioned amongft us, then the Statute of E. r. where mention is made, de Roy des heraz. But I fuppofe I fhall finde the officer, though not the name, in the tyme of Henry the $3^{d}$. yf I miftake it not.

What their place, credit, and worth have beene in former Ages, (when honour was refpected more then now) is declared in the honorable Ceremonyes at their Creation. For the fame
fame ought to bee by the Prince only, (or by Commiffion efpeciall from him, for that purpofe;) for fo had the laft Duke of Norff. alwayes a warrant from Queene Elizabeth, and upon fome Feftivall Dayes; the order whereof Gerard Leighe fetteth downe then in this forte. The Prince then asketh the Heraulde

The Creation of an Herauld.
All the Herauldes muft beeGentlemen.

The Herauldes muft have Armes given them yf they have none. whether he bee a Gentleman of blood, or of a fecond Coate Armour. Yf hee be not, the King endueth him with Landes or Fees, and affigneth to him and to his heires congruent Armes. Then like as the Meffenger is brought in by the Heraulde of his Province, fo is the Purfevaunte brought by the eldeft Heraulde, who, at the Commandement of the Prince, doth all the folempnities, as to returne the Coate of Armes, fetting the Maunches thereof on the Armes of the faid Purfevante, and puttThe Cupp ing aboute his necke a Coller of SSSS. the one lerofsss. S. being Argent, the other Sable, and when he for the
Horaild. Herauld. from the Heraulde, which Cupp is all gylt, and powreth the water and wyne upon the heade of the fayd Purfevaunt, creatinge him by the name of our Herauld: And the King when the oath is miniftred, giveth the fame Cupp to the new Herauld, of whofe Creation fpeaketh alfo Upton. For the Kings of Herauldes the Collers ought to bee one S. of Gold and one other of Silver,

## Heraulde of Armes.

Silver, and foe fhall your Lordhip finde in all their Monuments where they are buryed, that their Pictures are adorned with fuch Collers, as appeareth alfoe in the funeral obfequies of William Aukflowe Clarencieulx, whereof I finde this remembred in wryting at that tyme fett downe.
" Memorandum Anno Domini 1476. the vilth. Ireland " of Maye were the Funeralls of William Auk- King at " flowe, otherwife called Clarencieulx King at "Armes, whome was Right worfhippfull after "his degree; His Crowne offered by Ireland "King at Armes; His owne Coate by Windefor Fawlenn "Heraulde; His Collor by Fawlcon Herauld, windror "the King's Coate remayning alwayes upon Herauld " the Herfe: And when Maffe was done, his "wyfe ordayned a right wor". dynner, where "were all the officers of Armes, with their "wives, that would come, and divers Cit"tizens.

For the Cupp there ncedes no further proofe, than the Recordes of the Kings howfe, where I have feene it fett downe, although I now remember not in what place, that the Herauld had his Cupp given unto him.

In fuch eftimation were the Herauldes in Purfetymes palt, in the Raigne of Hen. 5 . and Hen. vantes at 6. that Purfevaunts might be created Knightes, were made and therefore Upton de militari officio lib. у. cap.
ii. writeth; Et eft friendum, quod nuncii profeHh
cutores polfunt effe Milites, छ militaribus gaudere infigniis, © deauratis uti Velvet, ઉ aliis pannis aureis indui; non tamen funt nobiles, © tales vocantur Milites Linguares, quia eorum pracipuus bonor eft in cuftodia Lingure. And how the Herauldes and Purfevants fhould weare the Armes of their Mafter, is expreffed in thefe foure verfes:

Cinctorio Scutum dicas deferre Pedinum, Sic equitis dignum fert fcapula dextera Signum, Sed humerolevo detulit Profecutor ab avo, Aft Heraldorum fat pectore fons titulorum.

The $\mathrm{He}-$ rauldes office. Heraulds are to mak: Pur-

## fevaunts

 and Meffengers.Their office is alfoe by Upton Li. у. Ca. $\mathrm{xII}^{\circ}$. partly declared thus: Sunt alii Nuntii Viatores qui Heraldi Armorum nuncupantur, quorum officium eft minores Nuncios creare, ut Juperius dictum eft; multitudinem populi faciliter numerare; Tractatus inter Principes Matrimoniales $\delta$ pacis inchoare; diverfa regna © Regiones vifitare; Militiam bonorare, छ fingulis Adtibus Militaribus interefle; defiderare clamores publicos $\odot$ proclamationes in Torneamentis, $ઉ$ fingulis Actibus Militaribus ordinare; fidelem negotiorum relationem inter hoftes deferre, © neutri favere parti in Attibus Bellicis, aut in pugna que inter duos aliquando nobiles geritur inclufos; Every He--Sed omnia per fuperiorem parti, vel partibus manraulde is
to weare data feul à parte, parti fideliter © fine palliationc to weare
his Coate nunciare,
O ifti debent portare tunicam Armorums nimour
in bantaill, dominorum fuorum, © eifdem indui codem modo, ficut $\underset{\substack{\text { and in } \\ \text { Joneys. }}}{ }$ Domini fui cum in conflitibus fuerins wel Torneamentis,

## Heraulde of Armes.

mentis, aut aliis periculis bellicis, vel cum per alias WhenHeRegiones extraneas equitaverint. Item in Conviviis, are bound maritagiis, ac Regum Є Reginarum Coronationibus, to weare ઉ Principum, Ducum, छ aliorum Magnorum Domi- Coatcs of norum folempnitatibus, Dominorum fuorum Tunicis uti poßunt, छ tenentur in Regionibus $\mathcal{F}$ Regnis licet extraneis, ad bonorem fuorum © magnificentiam Dominorum. Some things in this Difcourfe I thinke worthy to touche.

Firft, that Herauldes might create inferiour ObfervaOfficers; as Lyon King of Armes of Scotland of Upton doth at this daye make his inferiour Officers. an aunci-

Secondly, that he bee at all Tornements, mauld $l i 6$. Tyltes, $\mathcal{E}_{6} c$. And therefore (as I note in other ${ }^{\text {1.ca. } 12 .}$ Cuftomes) they ought to have whatfoever of their Furniture falleth from any of them that Torney. But now will not they which newly beginn to Torneye paye their Fees, but further bring with them foe manye Pages and Servaunts into the Tylt, that they take the Herauldes Fees of whatfoever falleth from their Mafters, with opprobrious fpeech to the Herauldes, againft all reafon, order and cuftome. For why fhould men ferve, yf they may not have the due of their fervice? Next, in this place I obferve, that the Herauldes were and ought to bee at all marryages of the Nobilitye, whereunto they are now never called, becaufe they ought to have the garment of the Bryde. And thus being gelded of their due Fees, they $\mathrm{H}_{\mathrm{h}} 2$ can-
cannot mayutayne the Porte of their Callinge; or that the now Garter, fhould equall the Garter of H. 5 . his tyme, when Garter entertayned the Emperour Sigifmond at his Houfe in Kentilh Towne. For reparation whereof fome have in fome forte fought to releive them :
The favorable verabe
grants ofters
Pattentes Princerso
Heraulds. Watches, and other chardges of fervice ; And King R. 3 . (yf my memory deceive me not) Cole har- gave them Cold harbarde houfe; which I cannot bour. fee how, why or when they parted from it. Queene Mary (I take it) made them, (or at leaft confirmed them) a Corporation by the helpe, and procurement of your honourable Brother the Duke of Norff. who alfoe procured them Darbye houfe, which they houlde at this daye : And Queene Elizabeth gave them priviledges, which I have feene inprinted fubferibed, per privatum Sigillum. Nuch more I could fay for the Herauldes, but I flall bee too tedious; and therefore defire your Lordhhipp once more to looke over the Plott of the defaultes of the Heraulds office, which I gave before to your Lordllhipp, digefted into a Breife or Table.
Fres of Yf Herauldes, my good Lord, might trulve Heraldse have lices of every one, which gave them Fees
in the in me of in tymes part, they might live in reafomable Kinge R. $\mathrm{E}+\mathrm{f}$, forte, and kecpe their Eittate anfiwearable to their

## Heraulde of Armes.

their Place. But now (whether it be our owne defaulte, or the overmuch parfimonye of others, or faulte of the heavens, fince by their revolutions, things decay when they have beine at the higheft, I knowe not) the Heraulds are not efteemed, every one withdraweth his favour from them, and denyeth the accuftomed dutyes belonging unto them. And therefore hoping your Lordfhip will repayre this ruined ftate of ours, I will fett downe what belonged unto us in the tyme of K.R. 2. out of an ould written Roll which came to my handes.
"Ces font les droits \& Largeffes, appurte"nants \& de aunciente accultomez aux "Roys des Armes, folounc le ufance en "Roilme de Angleterre.
"Et primerent quant le Roy eft co"rone; primerment eft de auncient "accultomez aux Roys de Armes \& "Heroldes appertient notable \& plen"tereufe Largeffe, come de C.1. \&c.
"Item, quant le Rey fait primerent "lever \& defpolier ces Banniers fur "les changes appertient aux ditz. "Royes des Armes \& as autres Hal"roldes, que y fonte prefente pur lour "droit C. marc.
"Et quant le fervice de fon fitz eft "fait Chivaler 40 marc.

Att the Coronation of Kings, this C.I. Fee hath continued, as I have feene the Privye Seales of H. 7 . and Qn. May.

## The Fee at the Kings

 diplaying of his banner."Item, femblablement, quant le

The Fee when a Prince, Duke, Marqueffe, Earle, Baron, or Bannerett hall dif. playe his Banner. "Prince, \& un Duc: fait lever $\&$ def"plaier fon Banniers, enprimer fois "appertient aux dits Royes de Ar" mes \& Heraulx prefentes xx. l. Et " fi c'eft un Marqueffe, Vint markes; S'il eft "Counte ro.l. Sil cft Baron cinque marks dar"gent Croyns ou 15 . nobles; \& s'il eft un "Chivaler Bacheler; qui novelment foit fait "Banneret aux ditz Royes de Armes, \& He"raldes prefentes appertient $p^{r}$. lour droit "cinque marke, ou x. nobles.
TheFeeat "Item, quant'le Roy eft novelment efpoufe ${ }_{\text {the King's }}$ os apertient as ditz Royes des Armes \& He-
adge. " raldes prefents notable \& plentenx Largeffo " 50.1 .
"Parelliement, quant eft novelment coronè " appertient aux ditz Royes de Armcs, \& He" raldes notable Largeffe \&c.
The Fers "Item, touts \& chefoune fois, que le Royne att the Quecnes childing ※ church" a cnfant, \& l' cnfant peroient aux fantz fontz inge. "de Baptifine, \& eft regenere, appertient auxi "a ceux Royes d' Armes, pur cux \& les autres "Heraldes prefens, \& devoient aver Largene "notable folone le trefnoble valcure \& plefure "de la Roync ou des Meffigneurs de fon Con"ccile: Et ont accultome avoir un fois C. I. "auter fois C. markes; autre fois plus oumoine: " a parcillement quant eft purific leur apper- $^{\prime}$ "ticnt Largeffe, come defus.

## Heraulde of Armes.

"Item, femblablement quant le autres Prin- The Fees "ceffes, Ducheffes, Marqueffes, \& Counteffes, childing "\& Baroneffes ont enfens \& parvienent aux \& church" fantz fontz de Baptifme \&tc. fount regenerez $\mathrm{P}_{\text {princeffes }}^{\text {ing of }}$ " yceulx Royes d" armes \& Heraldes douient and Mar"aver Laroeffe Et parellement quant elles queffes. "aver Largeffe. Et parellement, quant elles ©or. "fon purifie, dovient avoir Largeffe felonc leur " noble Valeure, \& plefure.
"Item, toute \&c. chefcun fois que "le Roy porte Corone \&c. tiente "eftate Royall; en efpeciall aux quar-

When the King weareth his Crowne, the Kings of Armes are to weare their Crownes alfoe. "ter haut feaftes; Ceft afcavoir Noell, "Pafches, Pentecoft \& toutz Saintz dovient \& " appertient a chefcun des ditz Royes d" Armes "qui feront prefentz en la prefence du Roy "allant a la Meffe, a la Chappell revenant \& auxi "toutz temps des diffuer; \& fi dovient aver "Largeffe feloncque le trefnoble plefure du "Roye.
"Item, toutz le fois qui un vierge ou Pucelle Fees at "Princeffe, ou file de Duc, Marqueffe, Counte, the madqe of "ou Baron efte efpoufe, aux ditz Royes des the Nobi"Armes appertient le Surcoit en quoy elle ave- litye. "ra efte efpoufe, s'ilz font prefentz; Et finon " aux foit dame vefne appertient ou defufditz "la Mantell en quoy elle fera efpoufe.
"Item, toutz fois, \& quantz fois que champ Fees at "d Battayle en Liftes foit a oultrance ou aumatts de Battayle en Litte foit a oultrance on aid or Juts. "trement eft juge enterprins \& ordonne au "deux Champions les joures que les ditz Cham" pions "dans le Champe ordonic \& eftabili pur faire "\& accomplier leure faits d'armes, aux ditz. "Roys des Armes fe prefens font, \& fi non aux "autres Heroldes qui prefentz feront, \& de" voiement aver le garde de fecrettz \& necef"faries, que afcun fois furmendunt aux ditz "Champions, \& pur ceo leure appertient: Et "devoient avoir fes Pavilions lefquelles, y ceux "Champions font mis dedans, les ditz Liftes, "Et fil' un des ditz Champions foit vanqis de"dans le ditz Champe, aux ditz Royes de Ar"mes \& Heraldes, que prefente feront, apper" tient toutz les Harneffe du ditt vanqu avec"que tante lautre Harneffe que a terre foit "chent: Et en casque ce ne fcroit que Champe "au plaifure ou Juftes appertient, aux ditz He"roldes prefentz les trape revers de Chuvills "des ditz Champions, avecque tontes les Lan" ces Rompues.

Rebellions.
"Item, quant il advient, que afcune des Sub"jectes fe mettons fur le Champe per manner "de Rebellions contre le Majeftie Royal \& c 6 \&c. fortifient champes ou place "ou entencione deliverer \& donner Battaile, " \& apres advient, que per appointment, ou "pur paoure \& orainte, ou autrement ilz fe "departient du doit Camp fortifie, ou fue fuit " fans faire afcune Battaile; aux ditz Royes des "Armes, ou Heroldes qui prefens feront, ap-
"pertient \& devoiient avoire toute les voyis \&
" merifme \& toutz les Charotz Champe, tant "pur le fortificacions come autrement.

Further att Newe yeares tyde, all the Noble- New men and Knightes of the Court did give new yaires to yeares guiftes to the Heraulds, and out of that the Heliberality the Herauldes did (and to this daye ${ }^{\text {raulds. }}$ doe) give moft of the Officers of the King's houfe, Newe yeares guiftes, althoughe thofe New yeares guiftes are not halfe foe much to us now as they were then, when Silver was but iiis. iiii $d$. and every thing prifed under the third parte, that it is nowe, whereof I heere fett downe one inftance in the tyme of Edward the inith. as I find is regiftred at that tyme.

Memorandum, That on the yeare of our Lord $\mathrm{r}_{4} 8 \mathrm{I}$. the Kinge our Leidge Lord kept his Chriftmas at Windfore, and the Queene alfo accompanyed with my Lord Prince, firf begotten fonne of the Kinge, Hee was Prince of Wales, Duke of Cornewall, Counte de Marche et Flinte, et de Pembrooke.
Of the Kinge
Of the Queene
Of the Prince
vil.

Of the Duke of Yorke the King's
fecond fonne
Liiis. iiiid.
Of the Earle of Lincolne xXs.
Of the Marqueffe Dorfett xxys.

## The dutye and office of an

Of the Earle Ryvers xls.
Of the Lord Stanlye great Mr. of the Howfhould xxs.
Of the Lord Haftings Lord Chamberleyne

XLs.
Of the Bp. of Norwiche xiiis. iiiid.
Of the Bp. of Chichefter xiiis. iiiid.
Of the Bp. of Rochefter
Of the Lord Souche xs.

Of the Lord Dacres Chamberleyne
to the Queene
Of the Lord Graye
Of Sir Edward Widvill Knight
Of Sir Wm. Aparre Comptroller of
the King's houle
xxs.
Of Sir JohnElrington Treafuror of
the King's howfe
xx .
Befides the guiftes of many other Knights there named, whereof fome gave more, and fome leffe, as beft liked them.

Befides I finde it regiftred in one other booke of Herauldes then livinge, that in anno Domini 1477. which was aboute the xviith. of Ed. 4. the King made many Knightes of the Bathe, att the marryadge of his fonne Richard Duke of Yorke to Anne daughter and fole heire to John Mowbray Duke of Norff. which not councelled to their moft honnour denyed a great parte of the Dutyes (of ould Prefidents) given to their Officers of Armes, and referred

## Heraulde of Armes.

referred them to the Lord Chamber- The Lord Chamberlayne, who well underftanding of auncient noble cuftomes, went and fhewed it to the King and to the Duke of Gloucefter Conftable of England, layne is appointed to fee the Herauldes Fees be payed.

The Conftable is which is Judge of every Officer of Judge of the Officers of Armes. Armes, who went in his owne perfon, and commanded William Griffith, one of the Marthalls of the King's hall, to chardg every man of the aforefayd Company, beinge under their Jurifdiction, to pay their dutyes to the Officers of Armes $\mho^{c}$. Thus farre that note.

Our Aunceftors were in tymes paft fo carefull of their honour, and that every man fhould be furnifhed according to his degree, that they left not

With what troope of horfes our Ambaffadours muft be furnihed with that goe out of England. undetermined, with what Troopes of horfes every one fhould bee furnifhed when hee went Ambaffador: And how every Meffenger fent from a forreigne King into England fhould be received, as I have noted out of auncient Bookes in this forte.
A Duke of the blood Royall as neare as Cozen Germanyne 400 . horfe. A Duke of the blood Royall 300 horfe. A Duke $\quad 300$ horfe or more. AnEarle of the bloodeRoyall 200 .horfe or more. An Earle
A Baron of greate bloode
A Baron 100.horfe. 40 . or so horfe. 30. horfe.

A Knight for the Bodye $\quad 10$ or 15 horfe.
A Bannerett
A Knight
15 .or 20 . horfe.
8. or io. horfe.

A Squire for the boddye after his poffeffions
6. horfes.

A Squire
A Gentleman

Likewife if any Forraigne Prince or King raigne
Meflen-
doe fend to our Soveraigne any Meffengers ; it gers of e- he be a Knight, receive him as a Baron, if he very de-
pree muft
bee an Efquire, receive him as a Knight, if he
 bee a Groome, receive him as a Yeoman, Erc. And fo cvery eftate mult bee received as the degree next above him doth require.

It fhall not be unpleafaunt, I hope,

The Office of a King of Arnes in his Province.

To keepe and regifter the Armes and Defcents. unto your Lordflip to know what the authoritye of a Kinge of Armes is in his Province ; and for that caufe, I have here fett them downe.

Firt, as nigh as he camn, hee fhall take knowledge, and recorde the Armes, Crefts and Cognizaunces, and auncient wordes; as alfoe of the Lyne and Defcent, or Pedegree of every Gentleman within his Province of what cftate or degree foever he bee.

Item, hee fhall enter into all Church-

To regifter Armes and Monuments in Churches. es, Chappells, Oratories, Caftles, Howfes, or auncient buildings, to take knowledge of their loundations; and of the noble

## Heraulde of Armes.

noble Eftates buryed in them; as alfo of their Armes, and Armes of the Places, their heades and auncient Recordes.

Item, hee fhall prohibite any Gentle- To prohibite bearing man to beare the Armes of any other the Armes of another or fuch as be not true Armorye, and or falfe Armorye. as he ought according to the Law of Armes.

He fhall prohibite any Marchaunt,or any other to put their names, markes, or devifes in Efcuchions or Sheildes;

To prohibite Marchants to put their devifes in Efcutchions. which belonge and only appartayne to Gentlemen bearing Armes, and to none other.

Item, he fhall make diligent fearche, if any Bearinge beare Armes without authoritye, or good right of Armes and Armes winout authoritye, or goodnight; without and finding fuch, although they be true Bla- authorizon, he fhall prohibite them.

The faid Kinge of Armes in his Province Confirhath full power and authoritye by the King's mation of grante, to give confirmation to all Noblemen and Gentlemen ignorant of their Armes, for the which he ought to have the Fee belonginge thereto.

He hath authoritye to give Armes and Crefts Giving of to perfons of abilitye deferving well of the Armes to Prince, and common Wealth, by reafon of Of- beare Orfice, Authoritye, Wifdome, Learninge, good Manners, and fober Governmente. They to have fuch graunts by Patent under the Seale of the Office of the King of Armes, and to pay therefore the Fees accuftomcd. Item,

Item, no Gentleman, or other may

None to erect Banners or Armes in Churches, without, the permifion of the Kinge of Armes. erect or fett upp in any Church, att Funerals either Banners, Standards, Coates of Armes, Helmes, Crelts, Swords, or any other Hatchment, without the licence of the faid Kinge of Armes of the Province, or by allowance or permiffion of his Marfhall or Deputye. Becaufe the Armes of the noble eftate deceafed, the day of his death, the place of his buriall, his marriage and yffues, ought to be taken and recorded in the Office of that King.

Further noe Gentlemen ought to

Differences of younger howfes, are to bee by the direction of the Kinge of Armes. beare their difference in Armorye otherwife then the Office of Armorye requireth; and when younger Bretheren doe marrye, erect and eftablifh new houfes, and accordingly to beare their Armes with fuch diftinctions and differences that may bee known from their elder families out of which they are defcended, the Kinge of Armes of the Province is to be confulted withall, and fuch differences of howfes are to bee affigned and eftablilhed by his privitye and confent, that fo he may advife them to the beft, and kcepe Recorde thereof; otherwife Gentlemen may either hurt themfelves by takinge fuch a difference, as fhall prejudice the cheife howfe from whence they are defcended.

## Heraulde of Armes.

The Kinge of Armes of the Province is to None to have an efpeciall regarde, that noe man beare beare the Armes by his mother, bee fhe never fo good a his moGentlewoman, or never fo great an Inheritrix, unleffe he beare Armes alfoe by his fathers ftocke and living, properlye belonging to his Sirname; Quia apud jus in Anglia partus non fequitur ventrem.

Likewife he is to fee, that no Gentleman Change defcended of a Noble-Race, and bearing Armes of Arnes for fuch do alter or change thofe Armes, without his as are unknowledge, allowance and confent. Yf any lawfull. doe ufe the Armes of others, or fuch as they ought not, and will not bee reftrayned, hee is under certaine payne, and at a certayne day, to warne fuch Offenders to appeare before the Earle Marfhall of England, or his deputye, before whome the fame is to bee ordered and reftrayned.

Armes appointed for Bisfhopps ought not to ${ }_{\text {Armes }}$ defcend to their Children, for they are not granted within the compaffe of the Lawes of Armes, ${ }^{\text {the }}$ Ceargy which only taketh notice of Bifhopps as Offi- oughtnot cers of the Church, and not as Military men frend to or perfons to be imployed in Offices or aft dheir chilfaires of Layemen, though fome of them have beene very great Souldiers. For both Canons and Examples doe forbidde the fame, fince in temporall actions in tyme paft it was alleadged againlt them. For it was objected to inge cheife Juftice and Chauncellor in the tyme of King John, that he intermedled in Laye caufes, and dealte in bloode, as alfoe the fame was layed againft the other Cleargimen, for havinge of Offices in the Exchequer, and the King's howfe, when fome of them were Clerckes of the Kitchin, fome Treafurer of the howfehold $\wp c$. Yea, fo much did our Aunceftors derogate from the Armes of Bifhops, as that the Bifhops, which were intereffed in the Armes of their Aunceftors, might not beare the Armes of his howfe without fome notorious difference, not anfwearable to the difference of other younger bretheren; as did the Bifhopp of Lincolne, Henry Burgherfhe; the Archbifhop of Canterbury, Thomas Arundell ; the Archbifhop of Yorke, Richard Scroope ; the Bifhop of Norwiche, Henry Spencer ; and many others, who did not beare the common differences of Armes of younger Sonnes, but great and notoricus differences, as borders, fome engrayled, fonte with Myters, or fuch like, whereof I can fhew When the Your Lordflipp many formes. And that it was long robe not before the tyme of Bartolus the Lawyer in beganne fint to have Ames. the Goverment of Charles the fourth Emperour permitted to Gowne-men (or, as the French termeth them, of the longe Robe, for under that mame were learned men, Clergie men, and Schollers comprehended) to beare Armoryes;

## Heraulde of Armes.

or elfe why fhould that great Lawyer Bartolus argue the matter, whether it were convenient that he fhould take Armes (the peculier re-* warde and honour of Militarye Service in auncient tyme) or whether he fhould refufe them at the Emperours handes? For if it had beene then ufed, that the longe Roabe fhould have enjoyed the honnour of Armes, Bartolus would never have doubted thereof. But fince it was not then accuftomed, hee made Queftion whether hee fhould take thofe Armes or not; but in the end concluded, that the Fact of the Prince was neither to be difputed nor rejected, and therefore was willinge to affume the Armes which the Emperour had given him.

Although the Marfhall in tymes paft was but The Marthe Conftables Deputy, yet was he affiftaunt to power of the Counftable in all Judgments. For by his Imprifon: advife moftlye, and fometyme with his, and the reft of the Court Militarye, the Conftable gave Sentence. And although in fome Cafes the Marfhall was to execute the Precepte of the Conftable, yet was he alfoe to heare, and in fome forte to determine, Caufes, efpecially in the abfence of the Conftable, which thofe Marfhalls more often and with more authoritye exercyfed fince the xili ${ }^{\circ}$. H. 8. in which Edward Stafford (or Bohun) the laft Conftable of England, was beheaded, fince from that tyme there hath not been any more Counftables, Kk whereby plyed the Counttables Office, and fentenced all military matters. Then if the Marfhall doe the Conftables office, hee hath the fame priviledge the Counftable had: And if the Counftable might imprifon, then (as I thinke will be well proved) the Marlhall may doe the fame, fupplying the Conftables Office; and by confequence, all fuch Deputye Marfhall Commiffioners, as have authoritye from the Prince, to fupply the Marflalls Office, during the interim, or vacancye of an Earle Marfhall.

Moreover, if they fhould not have authoritye to ymprifon, in vayne were it then to determine anye thing. For yf the partyes condempned will not obey, and they have no power to compell them thereto (which in the end muft bee only by imprifonmente) in vayne it is for them (as I fayde) to decree any thing; but becaufe their Judgment flould bee eftablifhed, and the Offenders compelled to performe fuch Lawe, there was allowed to the Marhall his pryfon, which to this day is called the Marflallfea, a thinge fuperfluous and meere frivolous, that they flall have a Prifon, and not committOffendors to it. But that prifon was not appointed to them in vayne. For which caufe it feemeth to me, that the now Marfhalls Deputyes have, jus incarcerandi. And if any of your Lordflips fhould committ onc Offendor to that
that Prifon, I woulde gladlye learne, what remedye hee hath either by action of falfe imprifonment, or otherwife, fince noe man, I thinke, will bayle him without your confentes, or any other Judge by Habeas Corpus enlarge him. And then foollerie and needleffe it were for him, to fue an action of falfe imprifonment againft thofe that fhall committ him. And therefore I fee not, but that he may remayne in Prifon ftill upon commaundement of the Marfhall or Marfhalls Deputie, or uppon Judgment ${ }_{\text {The Con- }}$ in the Marfhalls Courte, which in a Book Cafe frable and of $\mathrm{xiri}^{\circ}$. H.4. is faid to bee all one with the ${ }_{\text {Courre }}^{\text {Marlhal's }}$ Counftables Courte: which partlye alfoe is to are faid bee gathered out of an other Booke Cafe in one. the Lawe Bookes of $37 . \mathrm{H} .6$. where one brings an Action at the Common Lawe of Affaulte and menacinge. The Defendant pleaded that the Plaintiffe did ( ${ }^{\prime}$ Incutiri in Capite) and that if the Plantiffe would chardge the Defendant with Treafon, as hee did, hee faid to the Plaintiffe that he would defend him by his Bodye, during the Life of one of them; which was the fame menacing. Whereupon it was faid, that fuch Action for appealing of Treafon, or callinge Traytor, lyeth not at the Common Lawe. But (to ufe the wordes of the Booke) gift devant le Coneftable © Marefl lall , छ la fera determine par Ley civille: whercupon
Kk 2

1. Sic.
Juftice

The Conftable and Marnall have a Lawe by themfelves, and the Common Lawe is to take notice thereof, that Lawe being the Civill Lawe which alloweth and ufeth Imprifonmente. zane de Ley de le Coneftable © Mar/ball; car en appelle de morte eft bone Fuffificacione que le more, luy appelle de Treafone devant le Confable © MarBall, par qui ils combateront la, © le defendant vanquibt le mote al mort ; © celt bone fuffificacone al omen Ley © Afbton © Moyle concefferunt, que comen Ley prendra notice del Ley del Constable, § Mar/ball; Yamen Prijott contra; Mes puis ques les trois difont, ut Supra; Prijott non negavit: Whereby it appeareth, that all the fower Juftices agreed, that the Conftable and Marfhall lad a Law by themfelves; whereof the Common Law doth take notice, as well as it doth of the Ecclefiafticall Law, being a Law of it felf from the Common.

Then vf they have a Lowe by themfelves, (and the Marflall,as I gather out of there cafes, is as fare intereffed therein as the Conftable, becaufe the Common Law here in this cafe, and in all other places, calleth it the Constable and Marthalls Court, fill joyninge them togathen as it were in equall Power) it mut needs followe, that they ought to have manes to execute the Judgements of that Law, which cannot in the end bee any other courfe, but by reftraint, and Imprifonment being the lat cohertion that can be ufed, as wee fee in the contempners and refifters of the Common Lave, which further affirmeth, that things of
warre done out the Realme fhall bee determined by the Conitable and Marhall; where I alfo obferve, that

Things done out of the Realine are to be tryed before the Marlhall. the Marfhall is alwaies joyned with the Counftable, as I before touched, and as appeareth alfo in a Booke cafe of 48 . E. 3 .fo. 3 . And Stamfford in his Pleas of the Crowne fo. $\sigma 5$. As is alfo proved in the xnirth. Hen. $4^{\text {th }}$. fo. $\mathrm{xin}^{\circ}$. where it is delivered, that a woman fhall have an Appeale in the Conftable and Marfhalls Courte of the death of her husband flayne in Scotland: And Littleton putteth the Upon like Cafe ; that if the King make a voyage into calion Ef Scotland, and Efcuage bee affeffed in Parlia-cuage is ment, if the Lord diftrayn his Tennant that paid. houldeth by Knights fervice of one entire Knights Fee, for Efcuage foe affeffed, and the Tennant pleade and averr, that he was with the King in Scotland, by xl. dayes, it fhall be tryed by the Certificate of the Marfhall (of the Hofte of the King) in writing under his Seale, which flall bee fent to the Juftices. But this Marfhall of the Hoft is alwayes intended the Marthall of England, who is to ferve in thofe Warres, which is called the Marflall of the Armye, as I cann upon fome ftudy fufficiently prove by Record.

I hope your Lordfhip will not bee offended ${ }_{\text {Generall }}^{\text {Geruuld }}$ that I pefter you with Rapfodicall things, and in divers therefore prefuminge of the fame, I will fett ${ }_{\text {times }}^{\text {Princes }}$ downe
downe what Herauldes I have obferved to bee in divers Princes tymes, by feverall names, in which your Lordfhipp may behould the flourifhing ftate of that degree, when it is furninhed with Kings, Heraulds, and Purfevaunts of the Prince, and Heraulds and Purfevaunts of divers Noblemen; For they had alfo Heraulds and Purfevaunts, who went with the King's Herauldes to the Chappell before their Lords, which attended on the King, of which Noblemens Herauldcs, fome of them dealte in Armes, and gave authoritye to beate out differences which they beare. Befides, I fhall fhew therein the firft Inftitutions of fome Heraulds, which I thinke flall not bee diftaftfull to your Lordfhip to reade.

In the beginning of Edward the 3 d . Andrewe Windefore Norroy. Befides theife Herauldes of his Children; Clarenceaux belonginge to the Duke of Clarence, Lancafter belonging to the Duke of that name, who, when the Howfe of Lancafter obtayned the Crowne, was a King of Herauldes; which foe continued, untill the howfe of Yorke gatt the Garlande, and brought him back to an Heraulde.

Gloucefter the Herauld of that Duke.
Windefor whome the King created uppon Agenire. this occafion, as hath Bertrande Argentyne in his Hiftorye of little Brittayne, Henr. s. ca. 46 . After the Battayle of Auraye in the yeare 1364 . which

## Heraulde of Armes.

which fell in the 38.E.3. in which Charles le Blois was flayne, and John Mountforde (affifted by the Kinge) had the victory thorough the Englifh, the Newes thereof was brought to King Edward; whereupon (to ufe Bertrand's words) Le Roy de Angleterre eftoit a Douuers, qui enfcente le Novelle en trois jours, que luy fut portie par un Purfcievante d" Armes de Britaigne en voye $d u$ Counte (which was John de Mountforde) Lequelle le Roye de Angleterre fis fon Heraulte fons le nofme de Windefor L. \&c. where the matter is fett out more at large.
The Herauldes I reade of in Recordes, in other Princes tymes, (although they bee not all, and whereof fome have now being, and fome have not,) are thefe:

Firf, in the tyme of King R. 2.
Norrey Kinge of Armes.
March Heraulde.
Burdeux Heraulde.
Bardolfe Heraulde, who had power of Armes (virtute officii) whereof the Recorde of 22. R. 2. faith, Bardolfe Haraldus Armorum virtute officii conceffit Roberto Baynarde, ut liceat $\mathfrak{i b i}$ © heredibus fuis impreffionem ${ }^{1}$ file, ©̛ Lambeaux in Scutis Armorum fuorum omittere.
In the tyme of Kinge Henrye the minth.were, Lancafter Kinge of Armes. Percye Heraulde.

1. $s i c$.

Libarde

Libarde Heraulde, with many more.
In the tyme of King Henry the $\mathrm{v}^{\text {th }}$. were,
Garter, by him firft inftituted.
Cadram Herauld to the Earle of Dorfett. In the tyme of King Henry the $\mathrm{v}^{\text {th }}$.

Guyen Herauld.
Suffolke Herauld.
Mowbray Herauld, with others.
In the Reigne of King Edward the fourth the ftate of the Office for Herauldes ftood in this forte, as appeareth by a Roll written about the beginning of King Henry the vint ${ }^{\text {th }}$. wherein is fhewed both what number of Herauldes were in that King's Raigne of Edward the nin $^{\text {th }}$. and alfoe how they decayed in the tyme of King Henry the vir ${ }^{\text {th. }}$ in this forte.


The Duke of Gloucefter had, Gloucefter Herauld. Blanke-Sanglier, Purfevaunte.
The Duke of Clarence had, Richemont Herauld. Noyre-Tauren, Purfevaunte.
The Duke of Buckingham had, Hereforde Heraulde.
The Earle of Warwicke had, Warwicke Herauld.
The Earle of Northumberland had, Northumberland Herauld. Efperaunce Purfevaunte.
The Earle Rivers had, Rivers Purfevaunt.
The Earle of Worcefter had, Worcefter Heraulde. Marenceu Purfevaunte. The Lord Mountjoye had, Charten Blewe Purfevaunte.
Now the King's grace hath but three Kings, Garter, Richemond, and Norroy, and one Heraulde, that is, Richemond King of Armes in the tyme of H. 7. being now bue an Herauld of Armes. Somerlett ; Lancafter, Yorke, Windfore, and Falcon be voyde, and all the Purfevaunts, Rougecroffe, Rougedragon, Callys, Barwicke, Guynes, Hampnes, Rifebanke, Mountorguill, Portcullis and Rafyne, and noe eftate hath any but only the Lo. Marqueffe, that hath Grobic Purfevaunt; and the Earle of L1 North:

## The dutye and office of an

Northumberland, that hath Northumberland Herauld.
This was in the tyme of King Henry the vith. God fave King Henry the vinth. Thus farre that Roll, fhewinge the tyme of King Henry the vith. Alfoe as that of Edward the ryth. in which it feemeth, that Ulfter now King of Heraulds in Ireland, had then no lyfe, but was called only Ireland.

In the tyme of King Edward the $\mathrm{v}^{\text {th }}$. there were only theis Officers of Armes, as is proved out of the Letters Patents of that King, wherein he graunteth to us to be freed from all Subfedyes, and other Taxes, fhewing the honour and Immunities wee have amongft all Nations, Emperours and Kings.

| Garter. | Kinges. |
| :---: | :---: |
| Clarentieux. |  |
| Norroy. |  |
| Carleile. Windefor. | Herauldes. |
| Yorcke. |  |
| Chefter. |  |
| Richemonde. |  |
| Portculleys. | Purfevants. |
| Calleys. |  |
| Rougedragon. |  |
| Blewmantle. |  |
| Rougecroffe. |  |
| Ryle bancke. |  |

In this third yeare of King James, thus ftandeth the ftate of this Office of Armes, (vizt.)


Yorke.
Richemonde. Somerfett. Lancafter.
Chefter.
Windefor. J
Herauldes.

Rougedragon. Rougecroffe. Blewmantle.
Portecolloys.
$\left\{\begin{array}{l}\text { Purfevants, and one other } \\ \text { Purfevaunt extraordina- } \\ \text { ry called Portefmouthe. }\end{array}\right.$

Thus as abruptlye concludinge, as I have diforderlye delivered theis things in this Hinfpott (or, as wee corruptlye calle it, Hochepott) I befeeche your Lordflipp to accepte them with that good minde, with which you have received other things from me, and fo to your Lordship moft humblye comending my felfe, that may with Ovide fay,

> Famjam felicior atas terga dedit, tremulog; gradu Venit erga fenectus;

$$
\mathrm{Ll}_{2} \quad \mathrm{I} \text { hum- }
$$

## The dutye and office of \&oc.

I humbly take my leave, as one wholye devoted to your Lordfhip, and in you to your honourable Famelye, further craving pardon for this goutye Scriblinge, diftilled from the Penn guyded by a late gowtye hand.

Your Lordfhipps in what hee maye

Fra. Thynne<br>Lancafter.

Clerken well Greene the third of March 1605 . veteri ftilo.


A Con-

A Confideration of the office and $d u$. tye of the Herauldes in Englande, drawne out of fundrye obfervations. By John Dodridae the King's SolicitorGenerall, at the inftance of Hen. E. of Northampton, in Aug. 1600.


HE word Heraulde is a Saxon word yet in ufe amonge the Germans, and by Kilianus Duffleus in Dittionario fuo Teutonico Latino, interpreted thus; ( Frcialis pater Patratus internuncius, vel pacis, vel belli feriendi publicus preco) deryved from the word, Her, id eft, Publicus, and the word Alte, or, ould, antique, or, as fome deduce it, fenex, in Armis. For the word Her, or Heire, fignifieth alfoe an Armye, or Multitude Armed.

Theire cheife and fpeciall ufe aunciently was in the Roman State, where they were of greate accompte. Thire dutye and office in that State,

State, is fully defcribed by Dionifius Halicarnaffus, in the fecond Booke of his Hiftorye, and deduced by him into vir. feverall Heades, or feeciall poynts. But the office and ufe of our Heraulds, may bee drawne into theife fowre.

1. Firft, they are Meffengers by the Lawes of Armes, betweene Potentates, for matter of Honnour and Armes. And, as Tullie in his fecond Booke de Legibus affirmeth out of an old Roman Lawe, Feodorum pacis, belli छ Induciarum Oratores feciales fudices funt.
2. Secondly, they are Ceremoniarum minijtri, as in the Coronation of Kings and Queenes, in the Creation of noble dignetyes, of Honnor in the Inftallations of the Honnorable Knights, of orders in Tryumphes, Jufts, Combatts, Marriages, Chriftnings, Interrments and Funeralls, and to attende in all folempne Affemblyes of State, and Honnour. And by fome of them ought the Proclamations of greate matters of State to bee promulged.

Thirdly, the caufes of Chivallrye, and Gentilletye are committed to theire care, as in the right of beareing of Armes in Sheildes, Efcutcheons, Targetts, Banners, Pennaunts, Coates, and fuch like; Correction of Ames in theire vifitations, and in the obfervation of Pedegrees, and difeents of Noblemen and Gentlemen.
4. Fourthlyc, they are the Prothonotaries, Griffyers,
fyers, and Regifters of all Acts and proceedings in the Courts of the Conftable and Marfhall of England, or by fuche as have theire Authoritye, and in theire Bookes, and Recordes, they ought to preferve to perpetuall memorye, all facts, and noteable defignements of Honnour and Armes.

The Herauldes of Englande have beine auncientlye incorporated by the Kings of this Realme, and reduced in Corpus Corporatum © Collegium, as namely among others in the fecond yeare of Kinge Richard the thirde; alfoe by Kinge Edward the fixt, and Queene Marye.

They are devided into three feverall Companyes; into Kings whereof there be now three, Garter, Clarencieux and Norrey: (in tymes paft there have bein minor. Kings ;) Herauldes, whereof there bee now fix, Yorke, Richemonde, Somerfett, Lancaftre, Cheftre, and Windefore; and Purfevaunts, whereof there nowe bee fower, Rougedragon, Blewe-mantle, Portcullis, and Rougecroffe. By the Charter of King Edward the fix, made in the thirde yeare of his Raigne, they are difchardged and made free, of all Taxes, Chardges, and Subfedies, graunted in Parliament.

As touching the Kings of Armes, Garter is the principall, being alfoe the fpeciall Officer of the noble order of the Garter. For in the Booke, commonly called the Blacke Booke of the
the order of the Garter, I find this Ordinance, expreffing the place of Garter, and what maner of perfon hee ought to bee, and what ftipende and fallarye hee is to have. Hee is; Accedat Rex Armorum unus, qui Garterus Rex Armorum Anglia vocabitur, quem fupremus ऊ Comilitones ob dignitatem ordinis virum Generofí fanguinis, honefti nominis infignia gerentem, infra Regnum Anglie natum, छ ceteris officialibus, qui nobili Corone Anvide ano. glice fubjecti funt, fuperiorem effe volunt. Habebit $5_{\text {º. E. 4. }}$ broces à fupremo fipendium annuum xl. librarum mooffice 5 . his fee but
x. li. neta legalis Anglic. Praterea unufquifque feorfum pro fui ftatus honore fingulis annis donabit ei Dux 4. libras; Marchio 5. marcas; Comes 4. marcas; Baro 40. Solidos, छ Eques Bachalarius ordinis xxvi. folidos, © viri. denarios, ut tanto honorificentius ad decus Ordinis vitam agat, $\mathcal{B}$ officium adminiftret. Quoties autem Creatio Principis, Ducis, Marchionis, Comitis, Vicecomitis, aut Baronis obtingit, idem Garterus veffes ejus vendicabit, quibus utetur priufquam Togam illius dignitatis, छ praclari accipiet.

Which former Order I finde alfo recyted and confirmed by a Conftitution written in French, made att Windfore in the Chapter of the Confraternitie of the faid noble Order in the fealt of $S^{c}$. George in the yeare of our Lord 1422 .
Vide foll beinge the firt yeare of Kinge Henry the $\mathrm{vi}^{\text {th }}$. 593. in thefe wordes fpeakinge of Kinge Henry the $v^{\text {th }}$. Confitua in encreifament de nofme du dit noble order,

## Herauldes in England.

order, © pur eftre entendant, al Service de la dit Compani © de tout genteleffe un Servant de Armes fur touts les Autres Servaunts des Armes le quel per la digniti, de dit order vogle, qui il Joit Soveraigne de dance L' office de Armes, fur touts les autres Seryaunts de Armes, de Trefnoble Roylme de Engleterre $\mathfrak{O}$ luy nofme Gertyer Roy des Armes de Angloys ©̛ il ouffer done un fee all dit officer.

For the better Government of the Office of Armes there have beine from tyme to tyme fundry ordinances made, fometyme by the Lord Highe Conftable of England, as by Thomas of Lancafter, Duke of Clarence, Lord high Steward of England, in the tyme of Kinge Henry the $v^{\text {th }}$. Alfoe of latter tyme by Thomas Duke of Northfolk Earle Marfhall of England; by the which fundrye abufes of the faid Officers were reformed touching fundrye of the feverall heades and poyntes aforefaid.

The vifitations of Herauldes have allwayes Arma been by Commiffion, and Warrant under the per regeen Privye Signett, of which Warrants there have de Kingbeine latelye manye in the office of Armes ex-fton. tante to bee feene, both of Kinge Henry the virth. and of Kinge H. viri. As touchinge the giveinge of Armes, oftentymes the Kings of this Realme have given Armes themfelves to Perfons, for theire worthy deedes, or have approved the Armes given by the Officers of Armes in that behalfe, whereof thefe followeMm
inge valler Francois a ceo que nous fumus informes ad Challenge vne nre Leige fobn de Kingiton, A fayre Certaine faits $\delta$ points du Armes ouefque le dit Chiualler nous a fine que le dit nré Leige feit le melius bonaraablement receyve ef fayre puiset, § performer les dits faits, $\mathcal{O}$ points de Armes luy anouns refceyve in le State de Gentlehome © luy fait Efquyor, § volumus que ile foit comis per Armes © Portera de fere euauant fcefta fauoire dargent ou un Chappen de Azure oue fque un plume de oftriche de Gules छ no a touts ceux a queux apertint nous notifiamus per ceux prefentes, In teftimony de guel chos nous anoums fait nrē̄s Letters Pattents de foubs ure grande Seale a nré Pallace de Weftm le primer iour de Auoft \&c.

There was one James Parker, a fervaunte in Courte to Kinge Henry the vin ${ }^{\text {th. }}$, that had acthe Office
of Arnes cufed Hugh Vaughan (one of the Gent. Ulh${ }_{a}^{\text {of }} .6$ A.H.7. ers of the faid King) unto the Kinge of fome undutifull wordes, fpoken by him of the faid Kinge. Whereupon the perfon acculed challenged Combate with his Accufor: And becaufe he was not a gentleman of Coate Armer, $S^{r}$. John Wriotheflye, then principall Kinge att Armes, gave unto the faid Hugh Vaughan a Coate Armor with Helme and Tymber the xinith. of October 1490 anno $6^{\circ}$. H. 7. Whereupon the faid Kinge fent for the faid Garter,

## Herauldes in England.

and demaunded of him, whether he had made any fuch Pattent, or noe? who anfivered, that hee had made fuch Armes. Whercupon the Kings highnes in his moft Royall perfon, in open Juftice, att Richemonde, before all his Lordes, allowed, and admitted the faid Graunts made by Garter, and likewife allowed the faid Hughe Vaughan to runne with the faid James Parker, who was att the fame tyme flayne by the faid Vaughan in the faid Juftes.

Garter Kinge of Armes hath challenged to Jaridititio give Armes to men of worthye deferte; name- ${ }^{-1 a r t e r i}$ lye by an ordinance in the Booke of the order lis Regis of the Garter, in theife wordes: Ad eundem per- Arnotinuit Correctio Armorum, atque infigniorum,quorumcunque qua ufurpantur, aut geftantur injufte. Autoritas infuper $\mathcal{E}$ poteftas Arma bujufmodi atgue infignia concedendi talibus, qui per Acta fortia laudabilia virtutefque bonores ftatus © dignitates merebuntur, juxta antiquam confuetudinem, litterafque pattentes fuper ea re faciendi \&c.

Alfoe Thomas Hallye, alias Norrye, was the firft that gott thefe wordes into his Pattent, dated xix. Maii xxviir. Hen. vinth. Litteras Patentes Armorum claris viris donandi \&c.

$$
\text { [ } 276 \text { ] }
$$



## APPENDIX. Num. 1.

Sir James Whitlock's Epitaph.
Out of a MS. in $4^{\text {to }}$. containing, An Account of the Monuments in many of the Churches of Buckinghamßire, with Notices of the Foundation and Antiquities of the fame, collected, and given to me, by Browne Willis of Whaddon-Hall in Buckingham/bire, Efq. pag. 319.

FAWLEY.



N the Burial place of the Whitlocks or $S$. Ine, which was built by them, is this Infription:

Hic depofita funt Corpora
Reverendi judicis Jacobi Whitelock militis, unius Jufticiar. ad placita / coram Rege. Natus fuit Londoni 28. Nov. 1570 . Primum fluduit Oxonii, | ubi fufcepit gradum in jure civili. Deinde operam dedit juri municipali | in Medio Templo London, \& in co legebat ; poftea Serviens ad Legem factus | oft Jufticiar. Cefrix Termino Michaëlis 1620 . Abinde aflumptus eft in Bancam |

Regis

## Appendix.

Regis Term. Mich. 1624.
Habuit ex uxore Elizab. unum filium Bulftrode Whitlock ; duas filias, Elizabeth. nuptam Thomæ Moftyn Militi, \& | Ceciliam innuptam tempore mortis fux. Obiit apud Fawley Court 21. Junii 1632 . | Vir eruditione \& prudentia illuftris, vita \& moribus venerandus. 1 Et fpectatiffimæ matronæ Elizab. uxoris dicti Jacobi,quæ nata eft | in hoc agro Buckinghamienfi 25. Julii 1575 , patre Edwardo Bulftrode | de Bulftrodes in Upton armigero, matre Cecilia filia Johannis Croke Militis. I Fxmina marito fuo amantiffima, fideliffima, in Re Familiari prudentiffina, | pia, Religiofa, in Deum devota, in pauperes benefica, obiit apud Falley Court | in vigilia Pentecottes 23. die Maii 163 I.

## Num. II. Mr. Camdens Will,

## Out of the MSS. Collections of the learned Dr. Тно-

 mas Smith which be left to me at his Death, Vol. VIII. p. 25.IN the Name of God Amen. I William Camden ERegittro Clarenceux found of Bodie and Minde, and accord- Curix ingly mindfull of my mortalitie, repofing affuredly all Cant. exmy hope in the infinite mercie of my Saviour and Redeemer Jefus Chrift, into whofe hands I commend my Soule, make and ordaine this my laft Will and Teftament in manner and forme following. Firft, I bequeath my Bodie to be interred in Chriftian and decent manner in that place, where it hall p!eafe God to call me to his mercie, and to the poore of the faid place in this fort : if at Weftminfter righr pounds to the poore of Saint Margarett's Parifi ; if at Chifilhurft to the poore there,
there, if elfe where to the poore of that place eight pounds. Item, I bequeath to Sir Foulke Grevill Lord Brooke, Chancellor of the Exchequer, whoe preferred megratis to my Office, a peece of Plate of tenn pounds. Item, to the Companie of Painter Stayners of London, to buy them a peece of Plate in memoriall of mee, fixteene pounds. Item, to the Company of Cordwayners or Shoemakers of London twelve pounds, wifhing they would likewife make thereout fome peece of Plate in memorie of mee. Item, to my Coufin John Wyatt Painter of London one hundred pounds. 1tem, to Giles Nicholfon of Poulton in Lancafhire, to be committed to Mafter Colevile of Lancafter, or fome other honeft man of that place for his ufe, twentie pounds. Iterm, to Lant the younger, Bookfeller in Litchfeild, five pounds. Item, to Mafter Thomas Allen, of Gloucefter Hall in Oxford, fixteene pounds. Item, to Janus Gruterus, Libraric Keeper to the Prince Palatine Elector at Hidelberge, five pounds. Item, to Mr. Harvie Vicar of Chifelhurft, feaven pounds. Item, to Leonard Brooke of Weftminfter, fometimes my fervant, fix pounds. Item, to Camden of London Silkeman, tenn pounds. Item, to my Godfonne Chriftopher Birkhead, two pounds. Item, to my Godfon Thomas Godwin, two pounds. Item, to my God daughter Feild, two pounds. Item, to every one of the fix ${ }^{1}$ Herarlds, fower pounds. Item, to every Purfivant ordinarie and extraordinarie, two pounds. Item, to the Singing men of the Collegiate Church of Weftminfter, fix pounds. Item, to each Virger, two Pounds. Item, to the Bell Ringers and under Officers in the faid Church amonglt them, fix pounds. Item, to the Chorifters, fower pounds. To the fe followeing a peece or memoriall Rings of the fame value. To Sir Francis Leigh of

Weftminfter, fower pounds. To Sir Peter Manwood, foure pounds. To Sir William Pitt, three Pounds. To Mafter Saiut Loe Kniveton, three pounds. To Mr. John Chamberlaine, three pounds. To Mr. Limiter three pounds. To Mr. ${ }^{\text {i }}$ Seldon of the Temple, five pounds. To Mafter Harding the Uher, fower pounds. To MiItrefs Ireland fower pounds. To Miftrefs Bufh, late wife to Gabriell Birkhead, two pounds. Item, to John Halton my fervant thirtie pounds. Item, to old Morher Driver three pounds. Item, to Richard Hopkins three pounds. To his Daughter Alice fix pounds. To his Sonne three pounds, but now that ${ }^{2}$ he is dead, the whole eight pounds to his Sonne. As for my Bookes and Papers, my Will is that Sir Robert ${ }^{3}$ Cotten of Conington Knight and Baronett, fhall bave the firft view of them, that he may take out fuch as I borrowed of him, and I bequeath unto him all my imprinted Bookes and Manufcripts, except fuch as ${ }^{4}$ concernes Armes and Heraldry, the which with all my auncient Seales I bequeath unto my Succeffor in the Office of Clarenceux, provided that whereas they coft me much, that he flall give to my Coufin John Wyatt Painter fuch fumme of money as Mafter Garter and Mafter Norry for the time being fhall thinke meete. And alfoe that he leave them to his Succeffor in the Office of Clarenceux. Of this my laft Will and Teftament I confliture and ordaine William Heather of Weftminfter Gentleman, my fole Executor, Sir Robert Cotton of Conington Knight and Baronett, and Mafter John Wife of Gentleman, my Overfeers, bequeathing to each of them tenn pounds blacks for each of them. And for twelve poore men of Weftminfter befides the Almefmen, willing moreover that all thefe Legacies to be paid within one yeare after my de-

[^24]parture out of this world. Upon the peece of Plate for the Painters, Guil. Camdenus Clarenceux, filius Sampfonis Pitioris Londinenfis, dono dedit. Upon the peece of Plate for the Cordwayners, Guil. Carndenus Clarenceux, filius Sampfonis Pictcris London, dono dedit. William Camden. Signed and fealed in the prefence of Richard Harvey, John Hilton.
Probatum fuit Teftamentum fuprafcriptum apud London coram venerabili viro Dornino Willielmo Byrd, Milite, Legum 'Doctore, Commi/fario legitime confituto, decimo die Menjis Novembris, anno Domini millefimo fexcentefimo, vicefimo tertio, juramento Willielmi Heather Executoris in bujufmodi Teftamento nominati. Cui commif/a fuit adminiflratio omnium of fin. gulorum bonorum, jurium of creditorum dicii defuncti de bene fo fideliter adminiftrando eadem ad Jancta Dei Evangelia jurat.

Swann: III: Qr.
Tertio Libro.

Tho. Welham Regiftrarii Deputatus.
Num. III.
Out of a fmall Volume of Epiflles, by Degor. Whear, entit led, Charifteria, printed at Oxford An. 1628 . in $8^{\text {ro }}$. This Letter bears no date. The next in order, if be obferve the order of time, is dated OAt. 10. 1625.

Ad Michaëlem Oldfworthum Amicum fingularem fingulariter colendum.

INter literas humaniores quas egregie doctus es (mi Old/worthe) non dubito quin Hiftoriam rerum gerendarum animam, impenfus ames: inde Methodum meam limatiorem jum paulo \& auctiorem tibi obfero;

## Appendix.

non quafi te quicquam quod minus jamdudum noveris docerem, cave me adeo Suffenum arbitreris, fed ut tuum etiam (fi merear) calculum obtinerem, de quo haud parum mihi gratulabor; fimul ut pignus aliquod apud te exifteret quanti te aftimem \& colam, quum infuper fubfcripferim

Tuus D. W.

Num. $\overline{\mathrm{V}}$.
E Coll. noftris MSStis. Vol. IV. p. r.


 rè ćdixes.
$=$

O






I. Alii Caio, alii Hippolyto attribuunt. 2. Kai $\bar{\delta} \pi \sigma_{0}$


 uncis inclufa ad oram MS. adjecta funt. 5. MS. mendofe to $\chi$ шpio\%, nifi forfan plenius, ut Hœfchelii MS. legas,



282
Appendix.




















 Heefch. 5. Mpoorvéfsin $H \propto<c \dot{D}$. 6. Inclufum omiffum in noftro Cod. fed habet Heefib -. Sic feribe pro averd:-
 ex $H \propto / c h$. nam MS. noftrum, wis vi ci fixaus. 9. Sic


## Appendix.








 ${ }^{\prime \prime} \lambda \lambda \times 0$ rical









1. Vocem iftam omittit MS. fed babet Hofch. 2.Hane MSi. lacunam impreflus non agnofeit. Et rectius qui-





 H. 16. Airñs 1 . 17. Heffb. non hatet.

$$
\text { N'n2 } \quad \dot{o}_{\rho} \tilde{a} v T r,
$$




















1. кататiтìjan Hafch. male. 2. Ir. ajzinav. Hcefch.
 4. Ita uterque Cod. \& MS. \& impeff. mendofe tamen.
 delumptum) animam docet aimoxi"atoy effe, \& proinde
 Atque ideo forfan pro xeore hîc legendum quides. s. Sic Hoefík.fed omittit MS. 6. Sic Hce/ch MS. perperam Tof.



Appendix.










 рй










 3. इuuмидй Hoefch. 4 Sic Hofch. Nam MS. habet preséqulvar. 5. $\Omega s$ MS. б. $\Omega$ Hefch. 7. I $\sigma$. oui [ vel ह́v]



286
Appendix.
























 s. Sie Hafch. Scd MS. di:ms: 6. H. non habet.















立 т兀 $\tau \boldsymbol{\tau}$

 hoc inclufum ab impreffo abeft. 6. 15. ixyyos. 7. H.


 13. Quæ fequuntur primo ad fidem \& formam MS'. codicis (mendofi fatis) expreffimus. (Hoc excepto quod in locis extra dubium pofitis $\&$ dictiones figillatim deferipfimus \& accentus cuique fuos adfcripfimus. Quæ utraque in feripto codice defiderantur.) Deinde emendationem nofram (fi forte) fahjecimus.

En $\mathrm{BI} \Omega$

























Appendix.

MEN





 oфa入ay $\mu_{i}^{\tau}$ yóoov.


Eorum que in pracedentibus aliquot paginis ad fidem
MS. biulca E corrupta babentur emendatio.












 Oo みદ'\&










 Tos di












 2. Mallem, 学》,
Jofephi,

## Jofephi, ex opere infcripto, Contra Platonem,

 De caufa Univerfi, de loco in quo juftorum pariter \& injuftorum animæ continentur.ATque hæc quidem Dxmonum fedes eft. De inferis autem, ubi juftorum !pariter \& injuftorum anime continentur, neceffe eft ut dicamus. Infernus ideo (five Hades) locus eft in rerum natura plane incultuc, fubterraneum feceus, in quo lux mundi non refplendet: atque ideo locum hunc nullo lamine illuftratum xternis tenebris horrefcere neceffe eft. Regio haxe animabus pro carcere, defignata eft, cui Angeli cultodes preffecti funt, juxta fua cujufque opera debitas cuique pro more penas diftribuentes. In hac autem regione locus quidam in receffu feparatus exiftit, lacus ignis inexftinguibilis. In quem nondum quempiam projectum novimus: prxparatus tamen eft in decretorium illum diem, ubi fufpicienda jufti judicii declaratio omnibus pro metito exhibeatur. Et injufti Deoque immorigeri, \& qui opera vana manibus hominum fabrefacta idola, ceu Deum coluerunt, ur hujufmodi fcelerum auctores ad zternum fupplicium damnentur. Jufti autem incorruptibili \& indefectibili regno potiantur. Qui nunc quidem apud inferos conclufi funt, non eodem tamen cum improbis loco. Unus fiquidem eft in hanc regionem defcenfus, cujus porte Archangelum una cum prxfidio prxfectum credimus; quam quidem portam ubi primum prætervecti funt qui $a b$ angelis animarum prefectis eo deducuntur, per eandem viam non ulterius procedunt. Sed jufti in dexteram, Angelis profectis aliis facem preferentibus, alis à tergo hymnos decantantibus, in locum lucidum deducuntur. Ubi quotquot ab orbe condito juftifuere, vitam degunt, neceffitate nulla confricti, fed bonorum qua ibi
confpiciuntur vifione indefinenter fruentes * * \& novorum femper exfpectatione lxtabundi; atque illa his prefentibus potiora judicantes. Et hic quidem locus non illis laborem creat, non laffitudinem : non illic aftus, non frigus, non tribulus: fed qui fe coram confpiciendum prabet patrum juftorumque afpectus molliter fem. per fubridens, xternam poft has fedes in cœlo requiem \& refurrectionem exfpectantium. Hunc autem locum Sinum Abrahx vulgo vocamus. Impii vero ab Angelis tortoribus in finiftra rapiuntur, non illi quidem fponte fua procedentes, fed captivorum inftar per violentiam tracti. Ad quos Angeli prefecti munus fuum obeuntes mittuntur, qui probris eos impetentes, \& afpectu torvo increpantes, ad ima tartari protruduntur. Quos inter agendum prefecti trahunt ufque dum gehennæ propiores facti qui in proximis confiftunt ebullientis aquæ murmur continuo exaudiunt, neque $a b$ aftus fumo immunes funt: Ex hoc autem propiori intuitu tremendum illud \& im: mane quantum flavum ignis fpectaculum contuentes, præ futuri judicii exfpectatione obftupefunt, etiam nunc tantum non
potentia puniti. Quin \& illic etiam parrum chorum juftofq; profpiciunt, \& ob hoc ipfum vel maxime torquenin medio interjectum eft tur. Ingens enim \& altum chaos medios dirunit, quod nec pium quenquam compaffione affictum admittat, nee impium tranfire aufum fufcipiat. Atque hæe quidem de inferis hiftoria fic fe haber, ubi fingulorum animx ufque ad tempus à Deo prefinitum cohibentur; qui tum refurrectionem omnium facturus eft : non animas in alia corpora transfeŗendo,fed ipfa corpora refufcitando. Qux cum vos Grxei foluta morte videatis fidem non adhibetis.
jan tandem infidelitaten dedifere
Difcite autem non credere definere. Qui enim ani-
mam ex Platonis lententia, ingenerabilem \& immortalem à Deo factam credidiftis, procedente tempore non diffidetis quin $\&$ corpus etiam ex eifdem elementis compactum potens fit Deus, vitam ei rurfus largiendo, immortale efficere. Neque enim unquam de Deo dicetur, quod hoc poffit, illud non poffit. Nos igitur \& corpus etiam refurrecturum credidimus: quod utcunque corrumpatur non tamen perditur: reliquias fiquidem cjus terra fufcipiens eas cuftodit; quæ feminis inftar pinguefactx \& una cum fertilioribus terre partibus fubacte reflorefcunt. Et id quidem quod feminatur nudum granum feminatur, fed creatoris Dci juffu revirefcens veftitum $\&$ ornatum refurgit; neque tamen prius quam intermortuum diffolvatur \& fubigatur. Atque ideo refurrectionem corporis non gratis credidimas : quod licet propter inobedientiam illam primitus factam ad tempus folvatur, at in terram tanquam in fornacem de novo rurfus formandum projicitur. Non quale antea refurrecturum, fed purum nee in pofterum corrumpendum. Et fua cuique corpori anima reddetur, quo induta non ultra triftabitur, fed munda mundo cohabitans collætabitur ; \& exultatione plena refumet illud quocum in mundo jufte converfata fuerat, \& in omnibus operum particeps habuerat. Improbi autem nee in melius mutata corpora, nec à dolore \& ægritudine aliena, nec glorificata recipient: fed quibus morbis gravati à vivis excefferant, $\&$ quales quales in infidelitate fua fuerant, tales plane ad tribunal judicii fiftentur. Univerfi judicabuntur. Omnes enim jufti pariter \& iajufti coram Deo Verbo fiftentur : illi fiquidem omne judicium commifit pater, atque ipfe voluntatem patris exfequens judex comparet, quem Chriftum vocamus. Neque cnim, qui apud vos Grecos, Judices hîc funt Minos aut Rhadamanthus, 「ed quem Deus \& Pater glorificavit. De quo à nobis
à nobis alias diftinctius actum eft, in eorum gratiam qui veritatem inveftigant. Hic juftum patris judicium in omnes exercens, unicuique fecundum opera fua quod ${ }^{2 d}$ fententiam
xquum eft ordinavit. Cujus judicio omnes pariter homines, Angeli, Dxmonefque hanc una vocem tollent, fic dicentes, Juftum eft Judicium tuum. Cujus acclamationis mutua hinc inde redditio urrique parti quod juftum eft infert: iis qui benc fecerunt reternam fruitionem conferente judice, malorum vero cultoribus zeternam pœnam diftribuente. Atque hos quidem non exftinguibilis ignis \& indefinens manet, fed \& vermis quidam igneus, non moriens, nec corrumpens corpus, fed interminabili dolore è corpore prorumpens perdurat. Non illos fomnus in requiem coget, non nox folabitur, non mors fupplicio liberabit, non affinium mediatorum confolatio juvabit. Neque enim jufti jam ab ipfis ulterius videntur, neque digni funt qui in memoria habeantur. Soli autem jufti bonorum operum memores erunt, per qux in calefte regnum provecti funt: In quo nec fomnus, nec dolor, nec corruptio, nec cura, non nox, non dies tempore menfuratus, non fol ex neceffitate per coeli orbitam curfu circumactus. non Angcli qui tempeftatum fpatia \& coli cardines ad vulgo notcis humanæ vitx ufus dimenfa difponant. Non luna deficiens aut crefeens, aut vices temporum inducens : nec illa terram humectans, nec fol adurens. Non circumvolvitur Arctus : non venatur Orion: non vagus aftrorum curfus numeros fuos abfolvit : fed terra calcatu facilis \& Paradifi atria inventu haud difficilia. Non horrendus maris fremitus confcendentem prohibet quo minus pedibus calcet: nam \& ipfum juftorum gecfus facile admittet : nec hanore fuo deftitutum, nee firmitate fed per imprefr. leviter veftigia proculcatum. Non calum ab humanis
incolis imparatum, nec qua illuc afcenditur via impoffibilis inventu. Nec inculta jacebit terra, nec tamea ab hominibus elaborata. Sed fponte fua fructus in ornamentum univer $/ \iota$ proferet; fi quidem Dominus ita jufferit. Nulla ultra ferarum genitura, nec reliquorum natura animantium in prolem prorumpit. Neque enim homo jam ulterius gignit ; fed juftus piorum numerus indeficiens perdurat, una cum Angelis \& Spiritibus Dei juftis, \& Patre Verbi. Adeo ut juftorum chorus virorum pariter \& feminarum ab omni prorfus fenio \& corruptione immunis permanear, Deum hymnis celebrans, qui beneficio legum in vita recte inftituta latarum, cos ad hoc ftatus perduxit. Et cum his una univerfa etiam tollet
creatio indefinentem proferet hymnum, ut quae à corruptione ad incorruptionem deducta, \& firitus luftratione glorificata, nullis neceffitatis vinculis conftricta tenebitur, fed in libertatem afferta per fpontaneum hymnum, una cum Angelis Spiritibufque \& hominibus ab omni prorfus fervitute liberatis, Creatorem fuum celebrabit. Si ergo vos Grxci his perfuafi, terrenæ iftius \& quxftuofx fapientix vanitati nuncium remittatis, nec circa dittionum argutias occupati intellectum veftrum in erroris femitam impellatis: fed infpiratis coelitus prophetis \& divini verbi interpretibus aures veftras accontmodantes Deo credatis, eritis \& vos horum participes, \& que futura funt bona confequemini. Immenfi coeli afcenfum, \& quicquid illic regni eft aperte videbitis : \& ea cognofetis qux nunc reticentur. Qux nec oculus vidit, nec auris audivit, nec afcendit in cor hominis qux Deus preparavit diligentibus fe. Communis omnium finis continuo clamat, In quibufcunque tandem vos invenero, in illis etiam judicabo. Adeo ut etiam recte vitam inftituenti, fine autem ingruente in vitium effufo, inutiles
inutiles \& fruftra antea fufcepti labores, ut qui deducta ad cataftrophen fabula exors premii dimittitur. Illi autem, qui pejus etiam $\&$ difcincte nimis antea vixerit, licebit poftea pœnitentiam agenti de male exactæ vitæcurfu diutius eo quod poft poenitentiam reliquum temporis fpatio victoriam referre. Sed hoc ut fiat diligentia plurima opus habet: non aliter quam corporibus qux diuturno morbo laborarunt dixta neceffaria eft \& major cura adhibenda. Forfan enim vix poflibile eft confertim \& uno quafi ictu alimenta morbi præcidere. Sed per Dei poteftatem, \& hominum vicinitatem, \& fratrum auxilium, \& pœnitentiam fynceram, \& curam continuam felici tandem exitu emendatur. Optimum quidem eft non omnino peccare, bonum vero \& peccantem refipifcere : ficut optimum elt femper fanum effe, bonum vero \& poft morbum revalefcere. Deo Gloria \& potentia in fecula leculorum. Amen.

## Num. $\overline{\mathrm{V}}$.

Dr. Thomas Smith's laft Letter to the Publifber, tranfcrib'd from a MS. in the Publifber's Poffeffion, intit'led, A Collection of Letters, in number clxviir, written to my felf by the Reverend and Learned Dr. Thomas Smith, beginning Nov. 9. 1703 . and ending April 1 . 1710.

Sir,

IWrite this to acknowledge the receipt of your Letter of the $\mathbf{2 5}$. March. The Infeription ' in it I do not belcive to bee genuine: but of this I am not able to

[^25]write more, by reafon of the utter exftinction of my right eye, and the weaknefs of my lefr: which forbids mee to make ufe of it either in reading or writing for above 4 . or 5 . minutes at a time: which together with an inflammation in my other ufeleffe eye gives mee extreme great paine, and that continued : fo that 1 am forced, to obtaine fome kind of eafe, to lye upon my bed a great part of the day. God grant mee patience under, and fubmiffion to his heavenly will. So that now at laft there is like to bee a fatall interruption put to our correfpondence, on my part at leaft : and therefore I would not have you give your felfe the trouble of writing to mee, til you heare from me firf, either by a hort letter of my owne, or by the hand of a friend.

In the midft of all my paine and anguif, I thanke God, I am not fick, and find no fymptomes of approaching death upon mee: yet confidering my great age, having now almoft run out the threefcore and twelvth yeare of my life (for I was borne 3 . June 1638 .) I conclude I have not long to live, and that there may bee fome unforefeen fuddain change, which may carry mee off.

My Br . told mee this weeke, that Mr. Fifher acquainted him, that his kinfman, Dr. Hudfon, would bee in London very feeedily. If fo, defire him to come and vifit mee : for I heartily defire to fee him and difcourfe with him.

I cannot hold out any longer. I conclude this, I feare my laft, letter to you with my prayers to our gracious and mercifull God to bleffe you with long life, vigorous healthe, and a perpetual ufe of your eges. Difce meo exemplo. I am,
London, I. April Sir,
1710. Your affectionate Friend and humble Servant Tho. Smith.

This is the laft Letter I receiv'd from this Great Man. For be died at London the $\mathrm{II}^{\text {th }}{ }^{\text { }}$ ' of May following, between 3. and 4 of the Clock in the Morning, as I was inform'd by my Friend the Reverend and Learned Mr. Hilkiabj Bedford, and was burried (as I was inform'd by the fame Gentleman) on Saturday night immediately following in St. Anne's Cburch between 10. and II. Clock.

Tho. Hearnc.

Num. $\overline{\mathrm{V}}$.

## E Coll. MSS. Smithianis penes nos, Vol. $\overline{\mathrm{xCIII}} . \mathrm{p} .143$. <br> Archbißbop Laud to Mr. Fohn Greaves of Merton College.

## Sir,

YOUR kind letter of Novemb. 15. came not to my hands, 'til the beginning of this wecke: elfe you had certainly received my anfiver and thankes for your kindnes fooner.

I fee you have taken a great deale of care about the coines I fent to the Univerfity. And I hope, as you have feen the laft I fent, with others, placed in their feverall cells refpectively; fo you have alfo feen their names written into the booke, that both may be perfect and agree together.

For the placing of them I leave that wholly to the Univerfity, whofe they now are : yet I muft needs approve of the way of placing them, which you have thought on. Nor can there be any objection againft it, but that which you have made about the M. S. Commend my love to Dr.Turner and Mr. Pocock; and when
you have weighed all circumftances, whatfoever you Shall pitch upon fhall ferve, and pleafe mee. So to God's bleffing I leave you, and reft

Your unfortunate poor friend

$$
\begin{aligned}
& \text { Tower Janua. W. Cant. } \\
& I_{3} .164 \frac{1}{2} \text {. }
\end{aligned}
$$

Mr. Timothy Nourfe's Donation to the 'Univerfity of Oxford.
Mr. Timothy Nourfe, who dyed July 2I ${ }^{\text {tt }}$. 1699. gave Newent in to the Bodlejan Library by his laft Will and Teftament, as followeth, in thefe Words :

$I$Tem, I give to the Bodlejan Library in Oxford all my Collection of Coines and Medalls, whether of Gold, Silver or Copper, being in all about five or fix Hundred Pieces, in thankfull Remembrance of the Obligations I have to that famous Univerfity.

This was faithfully tranfcrib'd out of the faid Will by me Abra. Morfe, Rector de Huntley in Com. Glouc. Gould peeces 2.

| White | 121. | That which is above written |
| :---: | ---: | :--- |
| Copper | 409. | is a Copy of the Paper, fent by |
| In all | 532. | Mr. Morse, now in the Ps- |
| A brafs Bucklc. | blick Libray.. |  |

$$
\text { Pp } 2
$$

Num.

Num. VIII.

Sent me in a Letter by my Friend, the reverend and learned Mr. Thomas Baker, B.D. of stiliobn's 1 Coll.camb.

## A Note of the Divinitie Schoole and Librarye in Oxford.

 A Bout the yeere of our Lorde 1478. the Divinitie Schoole and Librarye in Oxford was foundcoll.camb. , not by one but many Benefactors. for as aperythe in the Proctors Books, in the fame yeere a Statute or Decree was made by the Univerfitie, that betweene the Feafts of St. Luke and all Sayncts, Solemne Dirige and Maffe fhould be founge for the Soules of John Kemp late Cardinall and Archbp. of Canterburye, and Thomas Kempe Bihope of London, and that they fhould be remembred in everye Sermon in Oxford, at Paules Croffe, and the Hofpitall in London, with this Provifoe annexed, yealding the caufe of this Statute: "Provifo quod hac "ordinatio vim capiat \& effectum, cum fumma mille "Marcarum ad ædificium fcholarum Sacre Theologix " applicand. fuerit plenarie Univerfitati Oxon. perfo"luta. Et $f$ contingat aliquam porcionem dietx fummx " mille Marcarum poft completum $æ$ dificium hujufmodi "remanere, quod portio remanens ponatur in aliqua Ci"fta, ad ufum Scholarium mutuari volentium." And of this money appeareth 200 . Markes to have been paied, and a Bonde of the Archbp. taken for the reft. At the fame tyme another Statute was made, towching the kepinge, lending \&c. of Bookes gyven to the Univerfitie by the Duke of Glocefter. "Iuprimis pro firma " \& perpetua Cuftodia largiffimx \& magnificentiffimx "donationis cxxix.Voluminum per Serenifs. Principem " \& Dominum Inclitifimum Dominum Humfridum Re"gum filium fratrem \& Patruum, Ducem Gloceftrix, "Comitem Pcmbruch. \& Magnum Camerarium Angl. " noftre
## Appendix.

" noftre Univerfitati, ex fumma fua liberalitate donato" rum, \& quorumcunque Voluminum in futuris per eun"dem Serenifimum Principem donandorum, ut fiat unum 's novum Regiftrum, in Cifta quinque Clavium reponend. "\&c." Alfo thei decreed, that within three dayes of * Simon and Judes day, a Maffe of the Trinitie, or of our Ladie fhould be fonge for hym and his wieffe Elioner. Alfo a Chaplein of the Univerfitie was chofen, after the maner of a Bedell, and to hym was the Cuftodie of the Librarye committed, his Stipend - cvis. and virid. his apparell found hym de Secta generoforum. Noe man might come in to ftuddie but Graduats and thoes of 8. yeares contynuance in the Univerfitie, excepte Noblemen. All that come in muft firte fweare, to ufe the Bookes well, and not to deface theim, and everye one after at his proceding mult take the licke Othe. Howers apoynted when they fhould come in to ftuddie, viz. betwene $1 x$. and xi. aforenoone, and one and four after noone, the Keper geving attendaunce: yet a Prerogative was graunted the Chauncellour Mr. Richard Courtney to come in when he pleafed, during his owne Lieffe, fo it was in the daye tyme; and the caufe femeth, that he was the cheiffe cawler and fetter on of the Librarye ; for it foloweth: "Quam Prærogativam ad vitæ termi"num conceffit Univerfitas in favorem Mri. Rici"Courtenaye nunc Cancellarii, cujus temporibus \& la"bore eft completa Domus." The Librarye was buylded by many Benefactors, and not by one, for the Chaplein was bound under payne of perjurye to remember, "per" fonas certas, quæ magis funt meritæ," in his Maffes, whoes names are, "Illuftriff. Princeps Henricus Quartus "Rex Angl. \& Franc. Sereniff. Princeps Henricus Prin"ceps Wallix primogenitus hujus, Illuftres fibi Fratres, "Thomas, Johannes, \& Humfredus, Tho. Arundell Cant. "Arch-

## Appendix.

"Archicpifcopus, Philippus Repinton Lincoln: Epifco" pus, Edm: Comes Marchix, \& Mr. Richardus Court"ney." More Rules and Ordinaunces are fett downc, towching this Librarye, but theis be the cheefefte.

Worthy Sir,
That I might not fend you an empty Letter, I bave copied out this Paper. How it agrees with your accounts, or whence it was taken, I cannot fiurely fay, but it was copied out (with other Antiquities) by Matthew Stokys a publick notary, and Regr. of this Univerfity under Qu. Eliz. and fooner. I fuspect it to be taken from Archbiflop Parker's MSS. wibere I remember to bave met with fomewhat very like it, if not the fame. $-* * * * * * * * *$ * * * * * * * * * * * * * * *

Num. IX.
E Coll. noftris MSS. Vol. $\overline{\text { LVII. p. } 164 .}$
Collections relating to the Div. Schoole and Library of the Vniv. of Oxon. written by Dr. Langbaine.
$\varlimsup^{\top}$ O. Kempe Epifcopus Londoñ conftruxit Scholæ
Theologice Atrium, Cathedram, valvas, turriculas \&c. Scholam etiam voltavit, \& lapide quadrato abfolvit. $A^{\circ}$. 1476. Ed. 4. 16.

Redintegravit hoc opus Epilcopus Londor, inchoatum ante, \& derelictum ab Academicis, annos fere 60.

Academici per literas repetunt à rege Latomos, quos Epifcopus Wintonienfis avocarat, ad perficiendum ædificium Vindeleforix coptum.

Ju. Tibtolt comes Wigornix \& IIumfredi Gloc. fucceffor,

## Appendix.

ceffor, cum effet Patavii, libros quofdam pollicitus eft Acad. Oxon. quorum indices ad eos mifit, quos illi ad quingentas marcas $x$ ffimarunt. Sed decollatus poftea, non praflitit quod promifit.

Georgius Nevillus Archiepifcopus Eboracenfis pollicitus eft, fe recuperaturum libros comitis Wigorn.

Academia fcripfit G. Wikham Epifcopo Winton. ut illis accommodaret machinas, quarum ope Scholam Theologicam voltis \& fornicibus exornarent.

Bibliotheca Oxon. hos habuit Benefactores, Henr. 4. Henr. Principem ejus filium, itemque Thomam, Joannem, Humfredum ejus fratres : Tho. Arundel Archiepif. Cant. Philip. Repington Epifcopum Lincoln. Edm. Comitem Marcix, Ric. Courtney, Ric. Lichefilde Archidiac. Middlefexix.

Humfredus donavit Acad. Volumina 129. Ric. Lichefilde 100 . vol.

Anno 1412. conftituitur capellanus \& cuftos Bibliothecx.

> Ex Regiftris publicis Academix.

Anno 1449. 24. Oct. deliberatum erat quod fieret reparatio Librarix ex fumptibus Univerfitatis.
1451. Supplicat venerabili Congregationi \&c. W. Farby quatenus 6 . anni in Philofophia, \& 2. in Theologia fufficiant ci ad effectum, quod poffit intrare ad Librariam, non obftante ftatuto. Hac gratia conceffa eft, fub conditione quod folvat 40d.

Eadem gratia conceffa eft Tho.Dando, fub conditione quod cedat magiftris fi eis placuerit.
1513. Electio Capellani Univerfitatis per Commiffarium, Doctores, Magiftros, \& alios.
1513. Supplicat magifter Adam Kirkebek Capellanus Univerf. quatenus gratiofe difpenfetur cum eo, ut non teneatur aperire oftia librarix Univerf,ante horam 12 . in diebus feftis.

ISIS.

Exc. Juris intrabant cum habitu.
1515. Supplicat \&c. D. Tho. Nicols baccalaureus Juris, quatenus po/fit intrare librariam Univer/. fine babitu caufa fudendi. Hxc gratia eft conceffa fic quod non inducat fecum plures Scholares, \& caufa non fit ficta.

1 515 . Sup. \&c. D. Jo. Babham Baccalaureus facultatis Artium, quatenus poffit intrare librariam Univerf, fine habitu fuo. Conceffa cum conditione, ut folvat $4 d$. ad compofitionem nove chartx.
1555. Electi funt quidam ad vendenda fubfellia li, braria Univerf.

## Num. $\overline{\mathrm{X}}$.

E Coll. noftris MSS. Vol. XLVII. p. 61.
Copy of an Original Letter (in the Hands of Richard Ramplinfon, M. A. ${ }^{1}$ of St. Fohn's-Coll. Oxon.) relating to the Bells of Brifoll, anno 1643.

To the Right Honde our very good Lord the Lord Piercies thefe prefent at Court.
Right Hon ${ }^{\text {ble, }}$

U
PO N receipt of your LordMip's Letters, by which you make claime to the Bells of this Cittie, as Generall of his Majeftie's Artillery, We doe humbly conceive, that yf any fuch Forfeiture were incur'd (as is pretended) yet by Agreament on his Majeftie's Parte when his Forces entred, it was in Effect condifcended unto, that there fhould noe Advantage be therof taken, but that all things fhould continue as formerlie, without Prejudize to any Inhabitant. And the Bells of each Church being (as your Lordfhip well knowes) the pro-

[^26]per Goods of the Parimioners, are not at our Difpofall, neither have we to doe with them. All which we humblie fubmitt to your Lordhhips better Judgment, and taking our Leaves doe reft

Briftoll this $\mathrm{xxi}^{\text {th }}$. of November 1643 .

Your Honors moft humbly
at Comandment,

Humph. Hooke Maior.
John Gorringry Ald.
$J^{\text {no }}$. Tomlinfon Ald.
Rich. Long.
Wi. Jones Alder.
Eżkiell Wallis Alder.
George Knight Alderm.
John Tailer Alderm.
John Lock Ald.
Henry Crefwicke. William Colfton.

## Num. XI.

E Coll. noltris MSS. Vol. $\overline{\text { LXXXVIII }}$. p. 42 .

## In MS. vet. de Officiis Ofney.

Finito Agnus Dei cnollentur Douce, Clement \&
Auntin, \& poft miffam per non magnum facium puifentur. - Et notandum, quod femper poft magnam mifflam pulfetu: ${ }^{1}$ Hauctecter, ad completorium Gabriel vel Jon-

Douce, Clement, Auftin, ${ }^{1}$ Hautecter, Gabriel, Joh, nomina carmpanarum Ofney.

## I N D E X.

## A

A
Brahe finus 283,292 Acre $69,66,79,180$ Adrichomius 171
Agard (Mr.) 29, 70, 100, 105, 157
Agellus or A. Gellius 87,91
Alciatus 67,205,206
Alexandro (Alexander ab) 55
Alured or Alfred (K.) divides the Landinto fhires, erc. 29, or feqq. which was very hard for him to do 44. indeed it feems to have been done long before 47. and King Alfred, it is probable, was only the Author of Subdivifions into Tithings, \&r.
Alfricus the SaxonGrammarian, and Archbinhop of Canterbury, 206. a paftage out of his Will 44
Allen (Thomas) $\quad 278$
Ambaffadours that go out of England, with what troope of horfes they mult be furnihed 25 x .
Anbresbury Abbey
Anglice. See Mone.
Argentyne or Argentre (Bertrand) $=62,=6 ;$
Ariftides 151
Arifutle $\quad 151,164$
Arms, the Antipuity of them
si Babhan (Tho.)
304
in England 186 . the alyenatinge of Arms 234 . Banners or Arms to be erected by none in Churches, without the permifition of the King of Arms 254. None to bear the Arms of his mother 255 . change of Arins for fuch as are unlawfull $i b$. Arms granted the Clergy ought not to defecnd to their children $i b$. when the long robe began firlt to have Arms 256 . See Motts.
Arpendium or Arvipendium 67 Arundell (Tho.) $30 \mathrm{r}, 303$ A Bach the word 211 Afferius Menevenfis 36,38 ftrange that he fhould fay nothing of K. Alured's divifion of England into hires, od. $3^{8}$
Auguftin (S.) 55
Auguntinus (Ant.) 168
Aukfowe (William) 24 F
B
Baker (Thomas) 300
Baldus zos
Bamners. See Arms.
Bardi ameng the Britons rou, 218. Sce Barth.

Barockhire or Bathinire so. fly-
I N D E X.
led Satrapia in fome Writers Bufh ..... 279
36. the nature of the foil, so
36. the nature of the foil, so Byrd (Will.) Byrd (Will.) ..... 280 ..... 280Barons, the Etymologie and O-riginal of then 205
Barth or Bardd 209, 216 , drc.

See Bardi.
Bartolus 234, 256,257
Baftardes bearing Armes 232
Bede $\quad 152,167$
Bedford (Hilkiah) 298
Bedford (John Earle of) a remarkable inftance of his opinion of trayterous yillains IO3
Belencomber 167
Belleforeft 20, 2 Y. guilty of great Errors 22, 23
Bernard's Inn
Bernard (St.)
Berolus
Birkhead (Chuiftopher) 278 Bickhead (Gabriell) 279
Black Book of the Exchequer Cafinxus or Caffanxus 142, 18, $30,3 \mathrm{I}, 75,80$
Black Book of the order of the Garter 272
Bodetun
Bohun. Sec Stafford.
Boniface or Winefrid
Bovata terre, or an oxgang of Land 68, 78
Bracton
Brawghton (Mi.)
Brinkeland the Chronicler of St. Edmond's Bury
Btifonius $167,176,177$
Briftoll
Britons (the ancient) arany curious particulars about them 209
Brooke (Leomard) 278
Buckinghannhire, the nature of the foil, so

106

304
Cxfar 33, 150, 168, 169, 186, $187,188,191$
Caius. Vide Jofephus.
Calatravenfes milites 146
Canden (Mr.) the Antiquary $34,35,38,63,85,149,157$, 163,165, 205. his Will 277
Canden (Mr.) of London,Silkman 278
Camelon (the city of) 5
Camuladunum 63
124 Canterbury, a paffage out of a
144 Regifter of that Place, relatting to the Saxons coming into Britain 159
Carucata 68,75, 180 143, 145, 234
Cafliodorus 138,177
Caftles, their Etymologie, Antiquity and Privilege 166
Catullus $\quad 151$
52 Centuria what ${ }^{178}$
Cenulfus, a peice of a Charser of his 13
68 Chamberlaine (John) 279
45 Chamberdayne (the Lord) appointed to fee the Herauldes Fees payed $=51$
Chancelor of England, the Antiquity of that Office 198
Chancery lane, corruptly fo called for Chancellor's lane 1 xs
Chauce: (Gefficy) 98,118
78 Chertfcy Abbey $\quad 99$
Chertfey (liber de) 45
Chefterton (Rofe of) 60307

Chronicle (a French) cited of the Abbey of St. Maryes in Courtney (Richard) 301, 30:, York 119
Cicero 23I. See Tully.
Cities in England, the Antiquity of then 62,63 . more cities, towns, and villages in England in old time than there are now 62. See Town.
Claphan (Mr. John) 163,165
Clements Inn 114, 122
Clifford's Inn 111, 114,121
Cnute (K.) divides England into four parts $3^{8}$
Cold harbard or Cole harbour houfe 243
Colevile (Matter) 278
Collicipism what
Columella
Comenius
Comes (Natalis)
Confonants not doubled in former times 177
Conftable (the) is Judge of the Officers of Arns 25 I. The Conftable and Marihall's Courte are faid to bee all one 259. The Conttable and Marfhall have a Lawe by themfelves, and the CommonLawe is to take notice thereof, that Lawe being the Civill Lawe which alloweth and ufeth inprifonmente ibid.
Cop (Mr.)
Coram kege, without any other Adjunct, often fignifies the King's-bench 6u. coram Rege G concilio often taken for the Chancery ibid.
Cotton (Mir.)
Cotton (Sir Robert) 166, 174,

303
Crantzius (Alb.) 27,189
Cromer 171

## Cuic in Devon (Priory of) 14

## D

Dah. See Howel.
Dandus (Tho.) 303
Dares Phrygius 82
Daughter. - How the daughter, heire to her mother, the firt wife, may ufe her father's Armes when her father had a fonne by the fecond wife 236
Deincourt (Lord) 235
Derbynire, the naturc of the foil, so
Devonfnire, the nature of the foil, 49
Dimentions of the Land of England 64, ofr. See Land.
Dion Caffius
33,34
Dionyfins Halicarnaff.86,91,93, 94, 95, 270
Diffein, the word, $\quad 211,2=8$
Dodderidge or Dodridge (Sir John) 66,269
Domefday, or Domefdei, book $14,18,39,73,74,75,76,77$, 79, 180
Dorfethisc, the nature of the foil, 50
Dragon, one of the Regal fupporters formerly, whence 189
Driver 279
Drwide, Druides or Druids 209, 212. they held it unlawfull
mandare aliquid lizeris 150
Dufleus or Dufflens (Kilianus) 67,26g Dun-


## H

Hakewill (W.)
Hallye (Thomas)
Halton (John)
Hamptonia munitio
Harding
Harley
Harrifon
Harvey (Richard)
Harvie

- Hatton (Lord)

Heather (Wm.)
Henry firt's Laws
Heralds in England, their Antiquity, Office and Privilege 81, occ. 230, 269, ofc. The favorable graunts of Princes to them 244. Fees of Heralds in the tyme of Kinge R. 2. \& E.4.244.New yeares guifts to the Heralds 249 . General Heralds in divers Princes tines 261
Herevardus, the book de gefiis ejus 135
Herodes a word made ufe of for
Harolds or Heralds, by Reger
Wall in his Hift.of Hen.V.8:
Herodotus
169
Hida or hide $65,69,75,180$. the word hide in no other language but our own 73
Hide Abbey
Higdon or Higden(Ran.) 38,39
Higinus
179
Hilton (John) 280
Hippolytus. Vide Jofephus.
Hochepott a corruption for Hinfpott 267
Hoel. See Howel.

Harchelius
Holinhed. See Hollinhhed.
Holland (Jofeph) $52,62,64,97$, 127, 154
Hollinhhed, Holinfied or Holling thed $39,52,62,63,162$, 163
Hollyes 123
Homer 86, 93,9+
Hopkins (Richard) 279
80 Horace 173
278 Hotoman 177
205 Hovedun 147
279 Howel or Hoel Dah's laws 7, 211
Hudfon (Dr.) 297
Humfr. Duke of Glouc. 300,303
Hungerford in Berks 203
Hungerford (Robert) his Epitaph 203
Hunt (John) 75

## I

Jerufalem (Knights of St. Johns of) 128,146
Inch 66
Ingufjur, five Ingulplus, Croylandenfis $36,47,101,135,177$
Inn. See New.
Inns of Court, and of Chancery, their Antiquity and Privileges ios, efc. Inns of Court fo called from theGentry and Nobility's being inftructed there in order to ferve the Courts both of Juftice and the Kings palace 112 . The greater Houfes of Inns of Court werc feminaries to the Court $1:$. Inns of Chancery were feminaries to the Innt

## $1 \quad \mathrm{~N} \quad \mathrm{D} \quad \mathrm{E} \quad \mathrm{X}$.

Inns of Court ibid.
Internuncii what
Johnfon's Inn
Jones (Mr.)
fofephi, five Caii, vel potius Hip-
 ris aitias, in quo de Flade agitur, 28 r .
Jovius (Paulus) 183,18
Ireland
Ireland King at Arms $\quad 241$
Ifidorus $166,175,176,177,205$
Inland - of the diverity of Names of this Illand 149, Er. 162
Judge. - of the choice of a Judge 133
fugatio
fugum vel fuger
67
fulius boffe or fulius hall, a judge-ment-hall fo called, built by Julius Cxfar s
Juftice - the ancient chief. Jutice of England had his place and voice in the Exchequer 60
Juyenal

## K



Knighton (Henry) 75, 79
Knights Fce 69, 69
Knights made by the Abbots,an account of them 135 , ec.
Kniveton (Saint Loe) 879

## L

Ladie's (Our) Inn 123
Lxtus (Pomponius) 94
Lake (Sir Thomas) 15
Lambert (Mr.) $13,35,69$
Lampridius 179
Land (of Dimenfion of) 178 See Dimenfions.
Landaff (book of) 210,211
Langbaine (Dr.) 302
Lant $\quad 278$
Laud (Archbp.) 298
Law (the Civil) ufed much in Scotland at this day, and why 4. Antiquity of the Laws r , ofc. Antiquity of the Houfes of Law 105, ©́c.
Lawyers had their chief abode for ftudy in ancient Cathedral Churches or Abbeys, before the Conqueft, 105, 109 Lawyers and Serjeants in old time heard their Clients caufes at St. Paul's Church, and wrote the fane upon their knees 109
Leigh (Gerard) 83, 97, 237, 238,240
Leigh (Sir Francis) 135,278
Leuce 18 I
Ley, Leee, or Leigh (Mr. James) 24,46,SI, IS6, 193,198,201, 204
Lhuyd (Humfrey) 157
Licheficlde (Ric.) 303 Limiter

Limiter (Mr.)
Lincolnix firmitas

Lincoln's Inn 115. the fine Gate-Houfe there 116
Lincolnhire, the nature of the foil, so
$\begin{array}{ll}\text { Linwood } & 144 \\ \text { Littleton } & 261\end{array}$ Livie 91,93
Lulley's (Reymund) Angels 23
Lynwood 26,27

## M

Malmesbury (Willian of) 36 , $37,38,39,137$
Man (Mr.) an Herald flain by the Rebels of Norwich, 103
Manwood (Sir Peter) 279
Marcellinus (Ainmianus)87,165 Marcellinus (Nonnius) 94
Marfhall hath power of Imprifoninent 257. Things done out of the Realine are to be tryed before the Marfhall 261
Marhallfea 258

Mary Q of Scots $\quad 184$
Mephan (Simon) 27
Merlin
Merlin Ambrofius
Merlin Silveiter
I 89
217 Oxford, the Scholars of that
217 Place had the principality of any houfes there before any fecularmen 129. Mota Oxenford 167 . A note of the Di -
Mints in England $\quad 63$

Moel Mrd's Laws 223
Molcalter
112
Mone or Anglice (the Inte of) 214
More (Sir Thomas) 124 . confounds a proud Doctor III
Monte (Abra) 299 with Arms of Noblemen and Gentlemen of England, 182 Motworth's Inn $\mathbf{N}$
Nennius 150

Nevillus (Georg.) 303
New Inn 123
Nicholfon (Giles) 278
Nicols (Tho.) 304
Normans really Danes 9, 10
Nottinghamihire, the nature of the foil, so
Nourf (Timothy) 299
Number (Englih) 74. Norman number ibid.
Nuncius what 102 0

Occo 168
Olaus Magnus II
Oldfworth (Mich.) 2 So
Oldworth (Mr.) 162
Orolius 172
Orphei Argonautica 150
Ortelius 163
Ofney (nomina campanarum de) 305
Ovid 86,267

Meffengers (foraigne) of every degree how they muft be received 2 ऽ2
Mints in England $\quad 63$ vinitie Schoole and Library in Oxford 300. Colleftions relating ro the Div. Schoole and Library of the Univ. of Oxon. 302
Oxfordihire, the nature of the foil, so
Oxgan or Oxgang 68,79

279 Motts, about them 204. Antiquity of Motts and Words
 l'ag

fome, fignifies plain or cham- the Order of the Templers pion 43, 46. but wrong 46 . began 145 certain quillets fometimes in Tcmples (the two) 127 one flire, which are really Terminus (the God) 55 parcell of another so Terms in England, their Anti-

Siculus Flaccus
Sigonius
Sinith (Dr. Thomas) 277. his laft Letter to the Publifher, giving an account of his ftate of health at that time 296 74, 78
Somerfethire, nature of the foil, 49
Stafford or Bohun (Edward) the laft Conftable of England 257
Stamfford 26 r
Steeples. See Towers.
Sterling in Scotland corruptly
Sterling in Scotland corruptly fo called for Striveling 20,24 Sterling money, Account of it 15 , eric.
Stokys (Matth.)
302
Stow (Mr.) 14, 122, 123, 127
Strand Inn
114
Suetonius
Suidas
33,93,95
Summa Rofella, a book fo called 1;9
Sylvias (Æneas) 8I, 88

## T

Tabor a coat of Armour $\quad 102$
Tacitus 33,35, 150,168
Talbot (Mr.) 43
Taliofin 217
$\begin{array}{lll}\text { Tate (Mr.) 1;8,209,212 } \\ \text { Temple (the new) } & 117 & \text { Valla (Laurentius) } \\ \text { Tor }\end{array}$
Templers very poor at firtt 128 Varro $56,67,175$
tho' very rich afterwards ibid. Vuughan (Hugh) 27.4
they are furpreffed 128 , when $\boldsymbol{r}^{\prime}$ ca for Via 177

| 1 N | E X. |
| :---: | :---: |
| Velleius (Andr.) 206 | 189, 190, 199 |
| Vigener 93 | Whear (Deg.) 280 |
| Vila and vella for villa 177 | Whitlock 90, 129,276 |
| Virgata terre $68,69,78,180$ | Wikham (G.) 303 |
| Virgil 71 | Willeran 88 |
| Virgil (Pol.) 26, 157 | Willis (Browne) $\quad 276$ |
| Vitruvius 169,170 | Wilcs, the nature of the foil, so |
| Vopifus 33 | Windfor Herauld 241 |
| Upton, an auncient Herauld, 240, 241, 242. obfervations | Windfore (Andrew) Norrey rex Armorum $\mathrm{S}_{3}$ |
| out of him about Heraulds $243$ | Winefrid. See Boniface. <br> Wife (John) |
| W | Witlefey (Walter) the Monk of Peterborough 32,72,75 |
| Wall (Roger) author of a La- | Wriotheflye (Sir John) 274 |
| tin Hiftory of the warrs of Henry the V. 82 | Wyatt (John) 278,279 |
| Wallingford 167 | Y |
| Walfinghan 10,57,110,119 | Yard 66 |
| Wanatinge 36 | Yard land 68 |
| Welham (Tho.) 280 | Z |
| Weftminfter (Matthew) 38,47, | Zenophon 168 |

## Operum noftrorum hactenus imprefforum Catalogus.

## I. A $N$ Index of the principal Pa/fages in Sir Roger L'Estrange's Tranlation of 'Tosephus into En-

 glifh. Lond. 1702. fol. Hxc verfio deinde in 8vo. prodiit una cum eodem noftro Indice.II. Reliquix Bodlejanx: Or, fome genuine Remains of Sir Thomas Bodley. Lond. 1703. 8vo. Ex Autographis. Prelo mandavit Amicus quidam Londinenfis, ad quem Apographum miferam.
III. C. Plinii Crecilii Secundi Epiftolx \& Panegyricus, cum variis Lectionibus \& Annotationibus. Accedit vita Plinii ordine chronologico digefta. Oxon. è Th. Sheld. 1703 . 8 ro.
IV. Eutropii Breviarium Hiftorix Romanx, cum Pxanii Metaphrafi Grxa. Meffala Corvinus de Augufti Progenie. Julius Oblequens de Prodigiis. Anonymi Oratio Funebris Gr. Lat. in Imp. Fl. Conftantinum Conftantini M. fil. Cum variis Lectionibus \& Annotationibus. Oxon. è Th. Sheld. $\mathrm{r} \boldsymbol{7} \mathrm{O} 3$. Svo.
V. Indices tres locupletiffimi in Cyrilli Hierofolymitani opera Gr. Lat. Oxon. è Th. Sheld. i-0 3 . fol. ad finem Cyrilli operum.
VI. Ductor Hiftoricus: Or, a fort Syffem of Uneverfal Hifory, and an Introduction to the Study of it. Vol. the frit, in tbree Books, containing, I. A Cbronology of all the mof celebrated Perfons and Aitions from the Creation to this Time. To which is premifed an Explisation of Terms, and other Pracognita. II. An Introduction to Hiftory. Wherein an Acount is given of the Writings of the ancient Historians, Greek and Roman, with the Gudgnent of the beft Critucks upon therm. To-
gether with an ample Collection of Englifh Hiforians. III. A Compendious Hiftory of all the ancient Monarchies and States from the Creation to the Birth of Chriff. Lond. 1705. 8vo. the fecond Edition. Prodit item, me infcio, anno 1714. Ad primam editionem quod attinet, alteri cuidam omnino illa eft adfcribenda. Quin \& duo primi libri in fecunda \& tertia editione funt item alterius cujufdam autoris, qui \& Prxfationem feripfit. Librum autem tertium ipfe contexui, veterum Hiftoricorum, Infcriptionum, Nummorum, aliorumque monumentorum antiquorum auctoritate nixus.
VII. Ductor Hiftoricus: Or, a Sort Syytem of Univerfal Hiftory. Vol. the jecond. Containing a compendious Account of the mof con/iderable Tranfactions in the World, from the Birth of Chrift to the final Decay of the Roman Monarchy, and the Efablifhment of the German Empire by Charles the Great: In three Books, viz. I. A Series of the Succeffion, and a Hiftory of the Reigns of all the Emperors, from the Birth of Cbrist to the Removal of the Imperial Seat to Conftantinople. II. The fucceffion of the Emperors, continued from the Tranfation of the Empire, to the Reign of Cbarlemayne. III. The History of Perfia under Parthian Kings, and the Perfian Race reStored, to the Deflruction of that Monarchy by the Saracens: The feveral Kingdoms ereited in Europe, by the Francks, Saxons, Gotbs, Vandals, \&c. and their re/pective Succe/fions: The Life of Mabomet, and the Succeffion of the Saracen Caliphs: Togetber with an account of the Foundation of the moft confiderable Cities, \&c. for 800 . Years after Cbrift, with other Mifcellaneous Things, not mentioned in the Cour $r_{e}$ of the Hifory. Oxon. 1704. 8vo. è prelo Lichfeldiano. Prodit etian Londini, clam me, an. 1714. Tertium volumen me editurum effe in Prxfatione monui. Quem
in finem multa ex optimæ notæ libris collegeram. At quo minus pergerem impediit Puffendorfii Introductionis verfio Anglicana, quæ ab eo feculo exordium ducit quo definit volumen fecundum, \& ad noftra ufque tempora ferie continua hiftoriam deducit.
VIII. Index to the four Parts of 'Dr. Edwards's Prefervative againfl Socinianifim. Oxon. 1704. 4to. è prelo Lichfeld. Ipfius auctoris rogatu confeci.
IX. Index to the Lord Clarendon's Hiftory of the Rebellion. Oxon. è Th. Sheld. 1704. fol. Alix item exftant editiones tum in fol. tum in 8vo. Hanc opellam navavi rogatu clariffimi doctiffimique viri, Henrici Aldrichii S.T. P. Ædis Chrifti Decani.
X. M. Juniani Juftini Hiftoriarum ex Trogo Pompcio libri xliv. MSS. Codicum collatione recogniti, annotationibufque illuftrati. Oxon. è Th. Shcld. 1705.8vo.
XI. T. Livii Patavini Hiftoriarum ab urbe condita libri qui fuperfunt, MSS. Codicum collatione recogniti, annotationibufque illuftrati. Oxon. è Th. Sheld. 1708. fex voluminibus in 8 vo.
XII. A Letter containing an account of fome Antiquities between Windfor and Oxford, with a Lifl of the feveral Pictures in the School Gallery adjoyning to the Bodlejan Library. Edidit amicus quidam (ad quem frripferam ) Lond. A. D. 1708. in libro nimirum mifcellanco (in 4to.) cui tit. The Montbly Mifcellany, or Memoirs for the Curious. Exftat etiam alia editio, auCtior \& emendatior, omiffo tamen Piturarum Catalogo, (quem calamo quoque correxi,) ad calcem Vol. quinti Itinerarii Lelandi.
XIII. The Life of Alfied the Great, by Sir Jobn Spelman, Kt. Publybed from the Original MS. in the Bodlejan Library. To which are added many Hiftorical Rewark', and a Difcourle upon an old Roman Infcri-
ption lately found near Buthe. Oxon. è Th. Sheld. 1710. 8ro.
XIV. The Itinerary of 70 onn Leland the Antiquary, in IX. Volumes 8vo. Publifed from the Original MSS. and other autbentick Copies. Oxon. è Th. Sheld. 1710 , 1711, 1712. NB. This Work, which is very fcarce, there baving been only an bundred and twenty Copies printed, viz. 12. in fine, and 108. in or dinary, Paper, is adorned with divers curious Difcourfes and Obfervations, partly written by the Publifher himfelf, and partly by others.
XV. Henrici Dodwelli de Parma Equeftri Woodwardiana Differtatio. Accedit Thomæ Neli Dialogus inter Reginam Elizabetham \& Robertum Dudleium, comitem Leyceftrix \& Academix Oxonienfis Cancellarium, in quo de Academiæ 生dificiis præclare agitur. Oxon. è Th. Sheld. 17 I 3. 8ro. E Codicibus MSS. edidi, quos \& fumma cura recenfui. Libro huic Operum Dodwelli editorum Catalogum premifi.
XVI. Joannis Lelandi Antiquarii de rebus Britannicis Collectanea. Ex Autographis defcripfi edidique. Quin \& Appendicem fubjeci, totumque opus (in. VI. Volumina diftributum) notis \& indice adornavi. Oxon. è Th. Sheld. 1715.870. Non plura quam centum quinquaginta fex exemplaria imprimenda curavimus.
XVII. Acta Apoftolorum Grxco-Latine, litteris majufculis. E Codice Laudiano, characteribus uncialibus exarato, \& in Bibliotheca Bodlejana adfervato, defcripfi edidique. Symbolum etiam Apoftolorum ex eodem Codice fubjunxi. Oxon. è. Th. Sheld. 1715.8vo. Centum viginti duntaxat exemplaria excudimus.
XVIII. Joannis Roff Antiquarii Warwicenfis Hiftoria Regum Anglix. E Codice MS. in Bibliotheca Bodlejana defcripfi, notifque \& indice adornavi. Accedit Joannis Lelandi Antiquarii Nænia in mortem Henrici Duddelegi

Equitis; cui præfigitur Teftimonium de Lelando amplum \& preclarum, hactenus ineditum. Oxon. è Th. Sheld. 1716. 8ro. Sexaginta tantummodo excufa funt exemplaria.
XIX. Titi Livii Foro-Julienfis Vita Henrici quinti, regis Anglix. Accedit Sylloge Epiftolarum, à variis Anglix Principibus fcriptarum. E Codicibus calamo exaratis defcripfi edidique. Appendicem etiam Notalque fubjeci. Oxon. è Th. Sheld. 1716. 870.
XX. Aluredi Beverlacenfis Annales, five Hittoria de Geftis regum Britannix, libris IX. E Codice pervetufto, calamo exarato, in Bibliotheca Viri clariffimi, Thomx Rawlinfoni, Armigeri, defcripfi edidique. Quin \& Prefatione, Notis atque Indice illuftravi. Oxon. è Th. Sheld. 1716. Svo. Centum quadraginta octo folummodo exemplaria funt impreffa.
XXI. Guilielmi Roperi Vita D. Thome Mori equitis aurati, lingua Anglicana contexta. Accedunt, Mori Epitola de Scholafticis quibufdam Trojanos fefe appellantibus; Academix Oxonienfis Epiftolx \& Orationes aliquammultx ; Anonymi Chronicon Godftovianum; \& feneftrarum depictarum ecclefix Parochialis de Fairford in agro Gloceftrienfi Explicatio. E Codicibus vetuftis defcripfi edidique, Notifque etiam adornavi. A.D.i 7 Iб. 8vo. Neque hujus quidem libri plura quam centum quadraginta octo exemplaria funt excula. Inter alios libellos rariffimos (nec fas eft hoc præterire) quos pro egregia fua humanitate mihi mutuo dedit Thomas Rawlinfonus, Armiger, vigilantiffimus peritiffimufque ille fupellectilis librarix collector, nuper reperi Epitaphium Stephani Gardineri Epifcopi Wyntonienfis, auctore Joanne Morrenno five Morwenno, octo fcilicet paginis conftans, excufumque (in 4 to.) Londini A. D. 1555. Maria regnante. Simul atque in illud incidere contigir,
fumma cum voluptate legi. Nam antea non videram. Nec quidem unquam confpexit Woodius nofter, utcunque his in rebus diligentiffimus. Adeo nimirum rarum eft, ut pro gemma jure merito fit habendum. Quum vero in eodem prxter alia Roperi noftri mentio fiat, non abs re fore vifum eft hîc loci carmen integrum inferere, præmiffa etiam narratione quam de Morrenno litteris mandavit \& in lucem publicam edidit Woodius.

## ATHEN历 OXON.

Vol. I. col. 67.
John Morimen, or Morenus as he writes himfelf, was a Devonian born, admitted Scholar of Corp. Cbr. Coll. 23. Feb. 1535 . and afterwards Fellow, and Matter of Arts. About which time entring into holy Orders, he became noted foon after for his profoundnets in Divinity, and his great knowledge in the Greek tongue, being in the latter end of King Hen. 8. Reader thereof in his College, and a private inftructer of Fobn Fewell, though afterward, a hater of his Opinions. In 155 I . he was admitted Bach. of Divin. and about the fame time ftudied Phylick, as having no good wifhes for reformation, which tended to the ruin (as he thought) of the Church. He is ftiled by a learned ' Author, not of his opinion, to be bono Grace doctus, fed idem Gracorum more leviculus Oo bibaculus, \&c. Afterwards he was patronized in his ftudies by Will. Roper, Efq. whofe Daughter, by Margaret his Wife, (Daughter of Sir Thomas More) he inItructed in the Latin and Greek tongues. He hath written feveral things, but whether extant, I know not. Among them are,

Epifole ad D. Will. Roperum.
Epitapbia diverfa.
Opufcula Grace of Latine. Written with his own

1. Laur Humph, in Vit. 9 foi. Juelli, p. $25 . \quad$ hand,
hand, and faid ${ }^{\text {r }}$ to be (tho' I cannot yet in all my fearches

- find them) in the Bodleian Library ${ }^{2}$. He alfo trannlated into Englinh feveral of the Greek and Latin Orations, made by the faid Daughter of Will. Roper, as by his EClar.sssr. piftles it appears. What became of this \%ob. Morwen when Qa. Elizabeth came to the. Crown (if he lived to that time) I cannot tell, unlefs he was received into the Family of the faid Roper a great lover of learning, and a reliever and comforter of diftreffed Catholicks.


## Reverendi in Chrifto Patris Domini Epifcopi Wyntoniensis doctoris Gardineri Angliæ Cancellarii Epitaphium, Joanne Morrenno Collegii Corporis Chrifti focio authore.

$$
L O N D I N I
$$

Ex ædibus Roberti Caly. Menfe Novembris. Anno falutis. 1555.

Ume tibi pullas, \& nigras, Anglia, veftes, Occidit, heu! lumen, gloria, laufque tua. Concidit ingenti luctu dccus omne honorum: Concidit \& virtus non revocanda prece.
Concidit \& fidei turris firmiffima certä:
Sinceræ vitæ clara columba jacet.
Concidit ingenii cultum fubtilis acumen :
Jamque minus Mufis roboris effe puto.
Jam Charites doctx, purxque folertia lingux
Interiit, lacerat cafta Minerva genas.
Famaque juftitix totum celcbrata per orbem
Conticuit, tenebris occuluitque caput.

[^27]Vivida præcipiti periit fapientia lapfu, Cognitio veri, juraque facra filent. Rebus in humanis cecidit prudentia fagax, Confilii inventrix curia mofta tacet.
Actio civilis dormit, caufxque clientum : Pactorum cuftos, juris amicus abit.
Oppreffis pereunt miferis folatia larga. Unica pauperibus fes quoque dempta cadit.
Myfta facerdotii charum plorare parentem Non ceffat, meminit jam periiffe ducem.
Dux gregis interiit fummus, paftorque difertus, Martino fimilis moribus ingenuis.
Gemma facerdotum, pietas, flos, unio pulcher Depofuit feciem præfulis interitu.
Exftinctam queritur divino gutture vocem Plebs, ad quam fecit plurima verba pius.
Concio demulcens, pandenfque fecreta fophias, Obftupuit, damno jufla tacere gravi.
Hunc regina dolet, mundi nitidiffima ftella, Thefaurum credir deperiiffe fibi.
Tu quoque cognofces fidum cecidiffe, Philippe, Suaforem, fuit hic dignus amore tuo.
Trefque fimul reges lugebunt Neftora magni:
Carolus ex imo pectore planget eum.
Quid procerum memorem curas, animofque potentum?
Ex quorum numero maximus occubuit.
Tritte quid exponam, fudans \& Palladis agmen? Cujus in interitu lle ibus ora rigat.
Quid jam fervorum planctus, quos aula patroni Nutribat, dicam? hos jufta querela tenet. Jam fortuna premit fpoliatos dura magiltro, Inquirent fimilem, non tamen invenient.
Hic cancellatus tractavit munia jufte, Officii cujus pondere nil gravius.

Ad quem confugient vidux fufpiria crebra? Unde roget vires, fubfidiumque petat?
Ad quem conditio curret miferanda pupilli? Se gemino preflum fentiet effe malo.
Sentiet orbatum duplici fe fxpe parente, Et qui defendar, quique refervet opes.
Vos fratres tenui degentes famine rerum, Inductos jam quos Anglia nuper habet,
Flectere nocturno Chriftum qui tempore vultis, Amiffum lachrimis plangite, flete virum.
Tuque petens panes aliena ad limina pauper, Concuties dentes fruftula nulla vorans.
Tc fitis, atque fames, te mille pericula ledent :
Centones laceros ferre premere tuos.
Nocturnique gelu torpefces frigore fevo. Nullus erit qui te te $\mathcal{t a}$ fubire velit.
Nulla tibi, qux membra tegat, clementia crefcet, Proque cibo ventrem ftringet amara lues.
Quare agite ô Lazari, Chriftum pulfate gementes Vocibus affiduis, vultibus amnis eat.
Nec finem facioo plorandi, define nunquam, Cui baculus dextrx eft, pocula leva capit.
Profequerc extractam terris, oculifque Tabitham : Veftibus oftendas corpora tecta novis.
Aut Petrum rogita, ut redeat, delapfus ab alto:
Qui laxet dure vincula rupta necis.
Aut fi non poffit fieri, fed membra cubabunt Mortua, fub cineris ftrata colore novi, Nec calor ejectus redivivos furget in artus, Mortis at xternx nox tevebrofa valet,
Funde preces, gemitufque cie, funalia porta, Stetque tuo gelido plurimus ore liquor.
Plange,Bonxre,tuum Stephanum,fociumque pericli, Carcer quos firma junxit amicitia :

Plange tuum Jonathan, \& flebile dicito carmen, Thefea defideras, Pirithoumque tuum.
Deliciæ cecidere tuæ, pars maxima lucis, Dimidium cordis fcito periffe tui.
Jamque Eboracenfis fummo viduatur amico,
Tortoris claufit quem malefuada domus.
Tu quoque non minimo luges, Cifceftria, planctu,
Cui funt mœroris pocula plena data.
Et qui poftremo vigiles perfenfit iniquos,
Jam Dunelmenfis paftor amara gemit.
His ego Whiteum formofum cidare jungam, Quem domini fovit cura benigna fui.
Tu, Feckname, doles, cujus de pectore verba Exundant puro dulcia melle magis.
Tuque patrem affectu miro comitaris ademptum, Vifcera percuffit mors inimica tua.
His etiam adnumerem Chedfeum dogmate fanum, Qui fregit Sathanx ficicula torta manu.
Hærefiarcha tuos conatus, Petre,repreffit, Et falfi docuit fchifmatis effe caput.
Idcirco intravit Mavortia tecta referta Sordibus, \& vili carcere manfit ovans.
Hoc argumento multos pepulere nefanda Dicere, quæ reprobar firitus alma domus.
Non te proteream tacitus, Watfone fidelis, Cujus confiliis intimus exftiteras.
Prx cunctis gravius patitur Wyntonia vulnus, Qux defolatur commoriente parre.
Illius arx cecidit, tum propugnacula pacis: Non ita jam tuta eft prefide cincta bono.
Et fi vera licet fari, refpublica murum Prxcipuum amifit, grandeque prefidium.
Perdidit \& juvenis, cui dat Northfolchia nomen, Tutorem, quo non fanctior orbe fuit.
$\mathrm{Tu}, \mathrm{Baffatte}$, dole, cui tu threpteria debes,
Qui dici poteras filius, ille pater.
Tranfit \& hic mœeror reginæ ad pectora noftrx,
Qux ftudio vigili diligit ufque probos.
Et pater, \& gnatus, duo lumina maxima mundi,
Quod cadit ingenii fida columna dolent.
Mentio fcribenti raptim mihi nulla Roperi
Exttitit, at Stephani fummus amicus crat,
Qui fi perpeffis non eft ergaftula foeda,
Par reliquis animo, confociufque fuit.
Quid, Martine, tuos gemitus, lugubria verba,
Mœrores animi, triftitiamque loquar ?
Hifque Copingerum ponam,quem fauguine junctum,
Moenia cum domino continuere diu.
Sed qui coeleftes habitant, fedefque fupernas,
Exfultant animam celfa videre poli.
Et gaudent, quoniam mortali corpore nexus
Exuit, \& proprium terra cadaver habet.
Exfultant cives patria meliore coloni,
Quòd Stephani venit mens preciola Deo.
Tu, Crifpine, capis dextra, Stephanumque reducis Ad fummi lxtus fplendida tecta poli. Ac majeftatem gaudente numine trino Alloqueris, cujus flammea fella micat.
Sufcipe tu Stephani mentem veneranda poteftas, Hancque finu fiftat jam patriarcha tuus.
Dat Mormannus opes, gemmas, niveamque coronam, Manna, facrum nomen, fidereumque decus.
O Stephane eximii, \& cuftos predivitis horti, Numen fac clemens propitiumque tuis:
Vos agite 0 populi ductores, cernite quantus Hic fuit, innocue ut duxerit ufque dies.
Hujus fi fitis veltigia fancta fecuti, Qux funt illius promia veftra fient.

Ac ne quis dubitet dictis, certifima fervat Fœdera, promittit qui fua dona bonis.

$$
F I N I S
$$

XXII. Guilielmi Camdeni Annales Rerum Anglicarum \& Hibernicarum regnante Elizabetha. Tribus Voluminibus comprehenfi. E Codice preclaro Smithiano, propria Auctoris manu correcto, multifque magni momenti Additionibus locupletato, erui edidique, aliumque infuper Codicem è Bibliotheca Rawlinfoniana adhibui. A.D. 1717.800.
XXIII. Guilielmi Neubrigenfis Hiftoria five Chronica rerum Anglicarum, libris quinque. E Codice MS. pervetufto in bibliotheca pranobilis Domini Dni. Thomæ Sebright, Baronetti, uberrimis additionibus locupletata, longeque emendatius quam antehac edita. In hac Editione præter Joannis Picardi Annotationes, meas etiam Notas qualefcunque \& Spicilegium fubjeci. Quinetiam accedunt Homilix tres eidem Guilielmo à Viris eruditis adfcriptæ, partim è Codice præclaro antedicto, partim è Codice antiquo Lambethano nunc primùm editæ. Oxonii, è Theatro Sheldoniano, I-19. 8ro.
XXIV. Thomx Sprotti Chronica. E Codice antiquo MSto. in Bibliotheca prænobilis Adolefcentis Dni. Edvardi Dering, de Surrenden Dering in Agro Cantiano, Baronetti, defcripfi edidique. Quin \& alia quædam Opufcula, è Codicibus MSStis. authenticis à meipfo itidem defcripta, fubjeci. Oxon. è Th. Sheld. r7x9. 8vo. Præf. p. xxv. pro munitiffimas lege minuti/fimas.
XXV. A Collection of Curious Difcour $e$ es, written by eminent Antiquaries upon Several Heads in our Englifhs Antiquities, and now fir $f$ publifhed chiefly for the use and fervice of the young Nobility and Gentry of England. Oxon. è Th. Sheld. 1720. 8vo.

$$
F I N I \quad S
$$

## Advertifement.

THE firlt Payment for this Book to Subfcribers was feven Shillings and fix Pence the large, and five Shillings the fmall Paper. The fecond Payment is to be the fame with the firf.

The Publifher is now printing in $8^{70}$. that moft famous ancient Monument, called, Textus Roffenfis. To which will be added, $A$ Difcourfe, written before the late Civil Wars, about the Antiquities of Oxford. The Price of this Work will be twenty Shillings the large, and ten Shillings the fmall Paper; whereof half is to be paid at the time of Subfcribing, and the reft when the Copies are delivered. Subfcriptions are taken in either by the Publifher at EdmundHall, or by John Rance at the Theatro Printing Houfe in Oxford.

May. 24. 1720.

University of California
SOUTHERN REGIONAL LIBRARY FACILITY 305 De Neve Drive - Parking Lot 17 - Box 951388 LOS ANGELES, CALIFORNIA 90095-1388
Return this material to the library from which it was borrowed.


UC SOUTHERN REGIONAL LIBRARY FACILITY


AA 0000986562



[^0]:    I. Athen Oxon. Vol. I. col.8r7. 2. Ath. Oxnn. Vol. II.col. 65. 3. Ath. Ox. Vol. I. col. 769.4 . Ath.Oxon. Vol.I. col.319.

    $$
    a 2 \quad \text { I6II. }
    $$

[^1]:    i. Pag. 7 I . Ed. 2d. 2. Dugdale's Baronage, Vol. II. p. 45 i. and Athen. Oxon. Vol. I col. 449.

[^2]:    1. Athen Oxon. Vol. I. col.44t. 2. Ath. Oxon. Vol.l. col. 88. 3. Athen. Oxon. Vol. I. col. 854. 4. Ath. Oxon. Vul. I. col.444.
[^3]:    I. Ath. Oxon. Vol. I. col. 443. 2. Videfis Camdeni Vit. per Thomam Sinithum, p. LXVI. \& Ath. Oxon. Vol. I. col. 412. 3. Smith ibid. 4. See the Appendix to this Work, num. I. 5. Athen. Oxon. Vol. I. col. 490.

[^4]:    I. Num. III. 2. Vita D. Roberti Cottoni, per Thoman Smithum, p. XXVIII. 3. .This muft be a miftake. Perhaps it fhould be 92. Sir Robert was born Jan. 22. 1570.

[^5]:    1. So I am inform'd by Letters from a very learned Friend. 2. Vol. I. col. 543,544. 3. So my before mentioned learned Friend.
[^6]:    1. Sir B. Rudierd loc. cit. p. 1. '2. In p. 16. of a fmall fcarce thing (lent me by my learned and very worthy Friend, Thomas Rawlinfon, Efq.) intit. An exbortation to kis dearely beloved Countrimen, all the Natives of the Countie of Lancafter, inbabiting in and about the citie of London; tending to perfwade and firre them up to a yearely contribution, for the erecting of Leitures, and maintaining of fome godly and painfull preachers in fuch places of that Country as have mofe neede, by
[^7]:    reafon of ignorance and Juperfition there abounding: compofed by George Walker Paftor of St. John the Evangelits in Watling(treet in London. $4^{\text {to. }}$ in 24 . Pages.

[^8]:    1. See Leland's Itin. Vol. III. p. 112. \& Vol. V.p. 138. 7. See this Letter at large in the Appendix to this Work, Num. V.
[^9]:    1. See §.12. of my Letter, containing an Account of fome Antiquities between Windfor and Oxford, printed at the End of the Fifth Vol. of Leland's Itim.
[^10]:    I. See the Appendix to this work, num. VI. 2. See the Appendiy, num. VII.

[^11]:    1. Bibliotheca Eliotx Lond. M. D. LII. voc. Britania.
[^12]:    I. Leland's Coll. Vol. III. p. 85. 2. Ibid. Vol. I. pag. 143. 3. Ib. Vol. I. p. 196. \& Vol. II. p. 302. 4. Speed's Chron. p. 372: Ed. Lond. 1632.

[^13]:    1. Leland's Coll. Vol. I. p. 241. 2. See Dugdale's Baronage, Vol. I. p. 8. 3. Chron. Sax. fub an. 1016. Leland's Coll. Vol. II. p. 286, $354^{\circ}$
[^14]:    1. Mon. Angl. Vol. I. ic6. b. Dugd.Barenage, Vol.I. 460.
[^15]:    I. Coll. noftra MSS. Vol. LXXXVIII. p. 24. 2. Subterraneus aque meatus à charwell prope ecclefiam S.Crucis ufque ad Coll. Merton. Molend. \& 25. acr. prati data Merton Coll.' per Fo. de Abingdon, Harington, \& refley. Sic in Coll. noftr.MSS. jam citat. Vol. LXXXVIII. p. 33 .

[^16]:    I. MS. of Thomas Rawlinfon, Efq. before quoted, p. 1057.

[^17]:    " 1. Yontefract Caftle. An account bow it was taken: And ' bow General Rainsborough was furprifed in bis Quarters at " Doncafter, Anno 1648. In a Letter to a Friend. By Cap" tain Tho. Paulden, written upon the occafion of Prince Eu. "gene's Surprijng Monfr. Villeroy at Cremona. In the Savoy, "Printed by Edward Jones, MDCCIII. 4to. The Letter datcd " March 3 I. 1702. In 27. Pages. 'Tis a very excellent, rc" markable Paper, the Author being one of thole ingaged in "c the Affairs it treats of. He was 78. years old when he writ "it. After the Caltle of Pomfret was furrendered (which was "after the King was beheaded) it was demolithed; fo that " now there remains nothing of that magnificent ftructure, " but fome Ruines of the great Tower, where, the Tradition " is, King Richard the II. was murthered." So in my MSS. Coll. Vol. XLVII. p. 33.

[^18]:    1. See the Appendix to this work, num. X. 2. See the Appendix to this work, num. XI.
[^19]:    r. See Lamb. Danæus's Treatife touching Dyce-play and prophane Gaming, tranllated by Tho. Newton, Lond. $55^{86.8^{\circ}}$. in the laft leaf of the fignature $E$, for 'tis not paged.

[^20]:    r.Cxf. de bello Gall. lib. 4.f. 67. 2. Cxfar de bello Gall. Iib. 7. f. 158.

    A a 2
    ventu

[^21]:    1. Matt. Weft. p. 180. 2. Gai. Monum. lib 9. cap. 4. Matt. Weft. f. 186. 3. Albertus Crantzius de Saxonia.
[^22]:    1. Gal. Monumet. lib. 10. cap. 8.
[^23]:    1. Matt. Weft. $29^{8 .} 30.2$. Matt. We\&t. 199. 10.
[^24]:    1. Sic: 2. Sic. 3. Sir. 4. Sic.
[^25]:    1. I have publifhed shas Indcription fance in the fifih Vol, of Leland's Itin p. :37. H.
[^26]:    1. The Degree of Dr. in the Civil Law was fince conferr'd on him by Diploma, in a Convocation of the Univ. of Oxon, on June 19.1719.
[^27]:    r. Rob. Hegge in Cat. Sckol. c- Sor. Coll. C. C. Ox. MS. 2. Where I have often feen and perufed them. 11

